

25.03.2022
tkm/ct 28
sl no.17

C.R.M.(A) 1390 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jalangi P.S case no. 217 of 2021 dated 4.8.2021 under sections 500/509 of the IPC and section 4 of the POCSO Act.
And

Allowed

In Re : Lalon Mondal @ Antar Shekh @ Antor Sk petitioner

Mr. K Bagchi
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. D Ghosh

..... for the petitioner

Mr. S Bapuli
Mr. Arani Bhattacharya

..... for the State

It is submitted on behalf of the petitioner that he had been initially implicated in an earlier criminal case being Jalangi PS case no. 354 of 2020 dated 1.10.2020 under section 417/376 IPC and section 4 of the POCSO Act. After being enlarged on bail, he has again been falsely implicated in this case on similar allegations.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. There is delay in lodging FIR and the possibility of false implication due to prior enmity and pendency of criminal case cannot be wholly ruled out.

Under such circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary, movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down

under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Jalangi P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside while on bail to the investigating officer as well as court below.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM(A) 1390 of 2022 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)