

04.04.2022
Serial no. 49
Aloke
Ct. No. 29

CRM (DB) 889 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 30.03.2022 in connection with Baruipur P.S. Case No. 233 of 2022 dated 08.02.2022 under Sections 363/365/376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : Ashim Mondal

... ..Petitioner

Mr. Asraf Mandal, Advocate

... .. For the Petitioner

Mr. Swapan Banerjee, Advocate

Mr. Anindya Sundar Chatterjee, Advocate

... ..For the State

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. In fact, there was a prior relationship between the petitioner and the victim.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure and Section 164 of the Code of Criminal Procedure thereof.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim states that she left the house at her wish.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and considering the period of detention of the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Judge, Special Court under POCSO Act, Baruipur, South 24 Parganas, subject to condition that the petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation and on condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 889 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)