

CRM (DB) 1280 of 2022

17.05.2022
Sl. 71
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Khanakul** Police Station Case No. **242** of **2021** dated **13.06.2021** under Sections **376(2)(n)/354(C)/506/34** of the Indian Penal Code, 1860, read with Sections **4/6/12** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Ayub Mandal @ Ayub Ali Mandal**
....petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Srimoyee Mukherjee
Ms. Sompurna Chatterjee
Mr. Sourav Mondal

...for the petitioner.

Mr. Binay Panda
Mr. Subham Bhakat

... for the State.

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioner submits that subsequent to the earlier order of rejection of the prayer for bail dated September 15, 2021, the evidence of the victim girl was recorded at the trial. At such trial, the victim girl was declared as a hostile witness. The victim girl exonerated the petitioner.

Learned advocate appearing for the State submits that out of 14 prosecution witnesses 10 were already examined.

Considering the evidence of the victim girl recorded at the trial and considering the period of detention of the petitioner, we grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a Bond of Rs. 10,000/- 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, Arambagh subject to the condition that during bail the petitioner shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **CRM (DB) 1280 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

