

20.06.2022
cm/ct 28
sl no. 26

C.R.M. (DB) No. 1793 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Gaighata P.S Case No. 228 of 2022** dated **17.03.2022** under Sections **354C/354D/506** of the Indian Penal Code, 1860 and under section 12 of the POCSO Act, 2012.

And

Allowed

In Re : Nimai Mondal @ Nemai Mondal

..... petitioner

Mr. Susnigdho Bhattacharyya

..... for the petitioner

Mr. Imran Ali

Ms. Debjani Sahu

..... for the State

Petitioner is in custody for 100 days. It is submitted that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. She submits petitioner had taken photograph of the victim on his mobile phone and thereafter had photoshopped the picture into objectionable image and uploaded it on the Internet.

We have considered the materials on record. Allegation with regard to photosopping the picture of the victim into an objectionable image and uploading it on Internet is not supported by electronic evidence. Under such circumstances and as the petitioner is in detention for more than 100 days and investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing bonds of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Judge, under POCSO Act, Bongaon, North 24 Parganas , on condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) No. 1793 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)