

05.07. 2022
item No.25
n.b.
ct. no. 34

C.R.M.(DB)1876 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Special Case No. 9 of 2012 arising out of Namkhana Police Station Case No.22/2022 dated 06.02.2022 under Sections 8 of the Protection of Children From Sexual Offences Act, 2012.

And

In Re: **Ashim Mondal**

.....petitioner.

Ms. Sreyashee Biswas,
Ms. Benajir Hasna
.....for the Petitioner

Mr. Saurindra Mahapatra,
Mr. Raju Mondal
.....for the State

Ms. Biswas, learned advocate appearing for the petitioner submits that the petitioner is in custody for 149 days and though charge sheet has been filed before the jurisdictional court but charge has not been framed till date.

Mr. Mahapatra, learned advocate appearing for the State produces the Case Diary and opposed the prayer for bail.

Learned advocate for the State draws the attention of the Court to the statement of the victim under Section 164 of the Code of Criminal procedure. I find that the investigating authorities arrived at their conclusion on the basis of a part of the statement

under Section 164 of the Code of Criminal Procedure and submitted charge sheet under Section 8 of the POCSO Act.

Having regard to the period of detention of the present petitioner, I am of the view that further detention is unwarranted. As such, the prayer for bail is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing 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 Additional District & Sessions Judge, 1st Court & Special Court under the POCSO Act, Kakdwip.

While on bail the petitioner shall not enter into the jurisdiction of Namkhana Police Station. The petitioner shall attend the Special Court once in a fortnight and obtain an acknowledgment from the office of the Learned Special Court till further order of this Court.

The application for bail, being CRM(DB)1876 of 2022, is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)