

20.07.2022
cm/ct 28
sl no. 18

C.R.M.(DB) No. 2210 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Beliaghata P.S Case No. 42 of 2022** dated **03.05.2022** under Sections **363/370** of the Indian Penal Code and charge sheet No. 33 of 2022 dated 10.06.2022 under Sections 363/370/366A/376 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

Allowed

In Re : Debu Kumar Mohanto

..... petitioner

Mr. Kaushik Chowdhury
Ms. Busra Khatun

..... for the petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Arani Bhattacharyya.

..... for the State

Learned advocate appearing for the petitioner submits his client had entered India with valid documents. Petitioner and the victim had fallen in love with one another and he had come to meet her. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is a Bangladeshi National who had entered India with a VISA which is valid till 10th October, 2022. Plea of the petitioner that there was a love affair between the parties is reflected from the statement of the victim recorded under Section 164 Cr.P.C. Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned, Additional Chief Judicial Magistrate, Sealdah 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 and on further condition that the petitioner, while on bail, shall not leave the jurisdiction of Dakshin Dinajpur until further orders except for the purposes of investigation and/or attending court proceedings and shall provide the address where he shall presently reside to the investigating Agency as well as the court below and shall report to the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a week or until further orders. Petitioner shall at liberty to approach appropriate authorities to extend his VISA to participate in the proceeding in accordance with law.

In the event he fails 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.2210 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)