

19.07.2022
cm/ct 28
sl no. 27

C.R.M.(DB) No. 2372 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Hanskhali P.S Case No. 381 of 2022** dated **24.04.2022** under Sections **447/325/506/34** of the Indian Penal Code 1860 and Section 6 of Protection of Children from Sexual Offences Act 2012

And

Allowed

In Re : Prabir Mondal

..... petitioner

Ms. Sananda Bhattacharyya

..... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Petitioner is in custody for 84 days. He submits that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. He submits victim is a minor and petitioner had cohabited with her on the false promise of marriage.

We have considered the materials on record. Statement of the victim shows there was free mixing between the parties. Subsequently, petitioner married another girl. Whether petitioner had dishonest intention at the inception of the relationship or not requires to be assessed at the appropriate stage of the proceeding. Keeping in mind the aforesaid facts and period of detention suffered by the petitioner, we are inclined to 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, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, Special Court under POCSO

Act, Ranaghat, Nadia 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 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.2372 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)