

01.08.2022

Item No.27

Ct.No.34

dc.

Allowed

C.R.M. (SB) 181 of 2022

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No. 569 of 2022 dated 14.06.2022 under Sections 341/323/354/354A/354D/506/509 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act.

And

In Re : **Bijoy Biswas @ Mondal**

... Petitioner.

Ms. Minoti Gomes

... For the Petitioner.

Mr. Partha Pratim Das,
Mr. S. S. Imam,
Mr. S. Kundu

... For the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner is in custody for a period of 47 days and he has been falsely implicated in connection with the instant case after he was released on bail in connection with another case relating to the same girl. Learned advocate further submits that as the investigation of the case has already concluded, further detention of the petitioner is unwarranted.

Mr. Das, learned advocate appearing for the State opposes the prayer for bail and draws the attention of the Court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as also the medical reports which have been enclosed in the case diary.

I have considered the nature of allegations made in the statement of the witnesses recorded under Section 161 of the Code of Criminal Procedure as also the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure before the learned Judicial Magistrate. On assessment of the same, I am of the opinion that further detention of the petitioner is unwarranted as charge-sheet has already been submitted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Bijoy Biswas @ Mondal** 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 Special Court under the POCSO Act as also the learned Additional District and Sessions Judge, Ranaghat, Nadia.

The following conditions are imposed, if the petitioner is released on bail.

1. The petitioner shall stay outside the jurisdiction of Hanskhali Police Station except for the purposes of attending the court and the police station.
2. The petitioner shall meet with a police officer, deputed by the Officer-in-Charge, Taherpur Police Station who would record the attendance of the petitioner, once in a week until further orders.

3. The petitioner shall make himself available physically on each and every date fixed by the learned trial court.

The aforesaid conditions would continue for a period of six months. The petitioner would be at liberty to approach this Court for modification of the aforesaid conditions after the said period is over.

The application for bail, being CRM (SB) 181 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.)