

05.09.2022
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 2660 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.08.2022 in connection with Krishnagar Women Police Station Case No. 25 of 2022 dated 12.04.2022 under Sections 417/376/406/420/354(A)/354(B) of the Indian Penal Code and Sections 8/12/18 of the POCSO Act.

And

In Re: ***Jyoti Prakash Mondal @ Prakash Mondal @ Bachhu Mondal***
... .. Petitioner

Mr. Kusal Kumar Mukherjee
... .. for the petitioner

Mr. Sanjay Bardhan
Ms. Baisakhi Chatterjee
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 79 days. It is further submitted there was a family dispute and petitioner has been falsely implicated in the instant case. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. Allegation of rape requires to be assessed in the light of the aforesaid submission regarding family dispute between the parties. Keeping in mind the aforesaid fact, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Jyoti Prakash Mondal @ Prakash Mondal @ Bachhu Mondal***, 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 Judge, Special Court under the POCSO Act, Krishnagar, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 any justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)