

16.11.2022.
22.
as
(Allowed)

C.R.M. (DB) 3986 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.866 of 2022 dated 03.09.2022 under Sections 448/323/325/307/354/506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

In the matter of : Anar Mondal @ Elai.

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mrs. Subhasree Patel.

...for the State.

Petitioner is in custody for 75 days. It is submitted there was a free fight by and between the parties and case and counter case came to be registered.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. There was a free fight by and between the parties. Whether the petitioner had intention to sexually assault the minor victim requires to be assessed in the light of the aforesaid circumstance during trial.

In view of the aforesaid fact and the period of detention suffered by him, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of

the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)