

13.01.2023.
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as
(Allowed)

C.R.M. (DB) 116 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kakdwip P. S. Case No.82 of 2021 dated 16.03.2021 under Sections 376(3) of the Indian Penal Code and read with Section 6 of the POCSO Act.

In the matter of : Mithun Mondal.

.... Petitioners.

Mr. Nilaldri Sekhar Ghosh,
Mr. Partha Sarathi Mondal,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal.

...for the Petitioners.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

Affidavit of service filed in Court today be kept on record.

Nobody appears on behalf of the victim.

Petitioner is in custody for 675 days. He renews his prayer for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim has been examined. She has not supported the prosecution case of rape.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Mithun Mondal 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 Judge, Special Court under the POCSO Act, Kakdwip, South 24-Paraganas 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.)