

18.01.2023.
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as
(Allowed)

C.R.M. (DB) 188 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.501 of 2022 dated 20.05.2022 under Section 376(3) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Anil Mondal.

.... Petitioner.

Mr. Souvik Mitter,
Ms. Mallika Manna.

...for the Petitioner.

Mr. Iqbal Kabir.

...for the State.

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

In spite of service, no body appears for the victim.

Petitioner submits that the allegation of sexual intercourse between the petitioner and the victim girl is false. DNA report show he is not the father of the child born from the minor survivor. He renews his prayer for bail.

Learned Advocate for the State produces the Case Diary.

We have considered the materials on record. DNA report shows petitioner is not the father of the child born from the minor survivor. This circumstance was not placed before this Court when the bail prayer of the petitioner was rejected earlier.

In view of the exonerative change, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Anil 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, Nadia at Krishnanagar 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.)