

25.01.2023
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 297 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.01.2023 in connection with Tarakeswar Police Station Case No.224 of 2022 dated 19.09.2022 under Sections 376AB/313/34/201 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Nirmal Mondal & Anr.***

... .. Petitioners

Mr. Rabi Sankar Chattopadhyay
Mr. Uday Sankar Chattopadhyay
Mr. Sayan Chattopadhyay
Ms. Trisha Rakshit
Mr. Rajashree Tah

... .. for the petitioners

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

Petitioners are the parents of the principal accused who is a juvenile. It is submitted on behalf of the petitioners that they are in custody for about 127 days. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail and submits petitioners illegally aborted an unborn child.

We have considered the materials on record. Petitioners are the parents of the juvenile in conflict with law as well as the child victim. In view of the aforesaid peculiar circumstance and the extent of complicity of the petitioners in the alleged crime, we are of the opinion further detention of the accuseds/petitioners is not necessary.

Therefore, the accuseds/petitioners, namely **(1) Nirmal Mondal & (2) Mamata Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate,

Chandannagar, Hooghly subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)