

31.01.2023

Item No.2

Ct.No.34

dc.

Allowed

C.R.M. (SB) 15 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Namkhana Police Station Case No. 321 of 2022 dated 04.11.2022 under Sections 341/348/323/325/354/34 of the Indian Penal Code and under Section 12 of the POCSO Act.

And

In Re : **Samiran Mondal**

... Petitioner.

Mr. Gouranga Kumar Das,
Mr. Kapil Ch. Sahoo

... For the Petitioner.

Mr. P. K. Datta,
Mr. Santanu Deb Roy

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 04.11.2022 and charge-sheet has already been submitted before the jurisdictional court. Learned advocate submits that the petitioner is an aged person suffering from various ailments and on any condition, he may be released on bail.

Mr. Deb Roy, learned advocate appearing for the State produces the case diary.

I have perused the statement recorded under Section 164 of the Code of Criminal Procedure as also the medical/injury report which has been collected and relied upon by the investigating agency in support of the case.

Having regard to the period of detention of the present petitioner and his complicity and the fact that the petitioner has been addressed as grandfather by the victim, I do not

think that further detention of the petitioner is warranted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Samiran Mondal** shall 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 Additional Sessions Judge, 1st Court & Special Court under POCSO Act, Kakdwip, South 24-Parganas.

If on bail, the petitioner shall cooperate with the smooth progress of the trial and shall inform his place of residence/address to the learned court as well as the Officer-in-Charge/Inspector-in-Charge, Namkhana Police Station.

In view of the age of the petitioner, the Inspector-in-Charge, Namkhana Police Station is directed to at least conduct an inspection regarding the availability of the present petitioner at the address so furnished once in a week for fortnight and furnish a report before the learned Special Court.

The application for bail, being CRM (SB) 15 of 2023, is, thus, disposed of.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)