

23.02.2023
tkm/ct 28
sppl no. 3

C.R.M. (DB) 482 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Narendrapur P.S case no. 226 of 2022 dated 11.3.2022 under sections 363/365 of the IPC subsequently charge sheet submitted under sections 363/366/376AB/376(2)(n) IPC read with section 6 of the POCSO Act
and

Allowed

In Re : Krishna Mondal

..... petitioner

Mr. Arindam Jana
Ms. M Malla

..... for the petitioner

Mr. R D Nandy
Ms. Sonali Das

..... for the State

Petitioner is in custody for 343 days. Investigation is complete. It is submitted there was a love affair between the parties. He prays for bail.

Learned lawyer for the State opposes the bail payer.

Victim is present in person with her mother. They also oppose the bail prayer.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the submission that there was intimate relationship between two young persons.

In view of the aforesaid circumstances, we are inclined to enlarge the petitioner on bail however subject to conditions.

Accordingly, the petitioner 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 Sessions Judge-cum-Special Judge under POCSO Act, Baruipur, South 24 Parganas on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any

manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of Kultali P.S except for purpose of investigation and attending court proceeding and shall report to the Officer-in-Charge of Kultali P.S once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 482 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)