

16.02.2023

Item No.2

Ct.No.34

dc.

Allowed

C.R.M. (SB) 32 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No. 652 of 2022 dated 02.07.2022 under Sections 448/323/354/354A/354B/509/506/34 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act.

And

In Re : **Chanchal Mondal**

... Petitioner.

Ms. Minoti Gomes

... For the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu

... For the State.

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

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than seven months and pursuant to the earlier order, the victim has already been examined. Learned advocate draws the attention of the Court to the relevant part of the deposition of the victim and submits that further detention of the petitioner may not be warranted in connection with the instant case.

Learned advocate appearing for the State produces the case diary and refers to the statement recorded under Section 164 of the Code of Criminal Procedure.

Having regard to the fact that the victim has already been examined and the period of detention of the present

petitioner, I am of the opinion that further detention of the petitioner is unwarranted. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Chanchal 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 District & Sessions Judge-cum-Judge, Special Court (POCSO Act), Ranaghat, Nadia.

If on bail, the petitioner shall make himself available on each and every date so fixed by the learned trial court and no application under Section 205 of the Code of Criminal Procedure or under Section 317 of the Code of Criminal Procedure will be entertained by the court except unavoidable circumstances.

The petitioner shall inform his address to the Officer-in-Charge of the local police station as also the learned trial court.

In case the petitioner leaves the jurisdiction or the district of Nadia, the petitioner shall inform the details regarding his place of visit and time of return to the learned trial court.

Any violation of the aforesaid conditions would entitle the learned trial court to cancel the bail of the petitioner without further reference to this Court.

The application for bail, being CRM (SB) 32 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.)