

15.02.2023.
65.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 613 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P. S. Case No.582 of 2021 dated 08.11.2021 under Sections 363/365 of the Indian Penal Code and adding Section 376 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Kabirul Mondal @ Kabir Mondal.
.... Petitioner.

Mr. Chinmoy Pal,
Mr. Archan Dutta.
...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.
...for the State.

Supplementary affidavit enclosing depositions of witnesses is placed on record.

Petitioner is in custody for 457 days. He submits there was a love affair between the parties. Victim and her mother have been examined. He renews his bail prayer.

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

We have considered the materials on record. Vulnerable witnesses have already been examined.

Balancing the nature of accusation with the period of detention suffered by him and as vulnerable witnesses have been examined, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Kabirul Mondal @ Kabir 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, Barasat, North 24-Paraganas 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.)