

05.04.2023
tkm/ct 28
sl no. 53

C.R.M. (DB) 1365 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali PS case no. 1199 of 2022 dated 2.12.2022 under sections 448/323/325/354/354B/427/506 of the IPC and under section 10 of the POCSO Act

And

Allowed

In Re : Avaydulla @ Abaydulla Mondal petitioner

Ms. S Bhattacharyya

..... for the petitioner

Mr. S S Imam

Mr. S Kundu

..... for the State

Petitioner submits that his daughter had lodged a criminal case alleging cruelty against her brother-in-law i.e. father of the victim. In retaliation the present case was registered and he was arrested. He is in custody for 123 days. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits the earlier case had been registered six months ago. Allegation of molestation is supported by medical evidence.

We have considered the materials on record. There was prior enmity between the parties and earlier criminal case alleging cruelty was lodged by the daughter of the petitioner against her brother-in-law i.e. father of the victim. Possibility of false implication of the petitioner in the present case cannot be wholly ruled out. Investigation is complete. There is no possibility of abscondence.

Under such circumstances, we are inclined to grant bail to the petitioner.

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 Judge, Special Court under POCSO Act, Ranaghat Nadia 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.

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) 1365 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)