

07-06-2023
Item no.01
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 102 of 2023

Joy Kumar Mondal

-vs-

The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 16th May, 2023 in connection with Sagarpara Police Station Case No. 69 of 2023 dated 10.03.2023 under Sections 341/323/448/354 of the Indian Penal Code read with Section 8 of the POCSO Act arising out of C. Special Case No. 23 of 2023.

Mr. Arnab Chatterjee
Mr. Jissan Iqbal Hossain
Ms. Poulami Basu
Ms. Chandrima Debnath

...for the petitioner.

Mr. Debabrata Chatterjee
Ms. Debjani Sahu

... for the State.

Mr. Saryati Datta

.....for the victim/High Court Legal Services Authority.

Mr. Chatterjee, learned advocate appearing on behalf of the petitioner submits that the petitioner is in custody for 87 days and the investigation of the case has already been concluded. As such, further detention of the petitioner may not be warranted.

Mr. Saryati Datta, learned advocate appearing on behalf of the victim/private opposite party opposes the contention and submits that the act and actions of the accused created a sense of insecurity in the mind of the victim girl aged about 15 years.

Ms. Sahu, learned advocate appearing on behalf of the State produces the case diary. Learned advocate for the State draws the attention of this court to the statement of the victim recorded under

Section 164 of the Code of Criminal Procedure.

I have perused the contents and the statement of the victim as also the other witnesses.

Having regard to the period of detention of the present petitioner, I am of the view that the petitioner may be released on bail. Accordingly, the petitioner shall be released on bail by furnishing a bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned Judge, Special Court under the POCSO Act, Berhampore, Murshidabad.

If on bail, the petitioner shall once in every 15 days attend the learned special court irrespective of the fact whether any date has been fixed by the learned Special Court or not.

The petitioner shall be physically present on each and every date so fixed.

If there is any complaint from the locality regarding further misbehaviour or similar behaviour of the present petitioner, the learned special court will be entitled to cancel the bail of the present petitioner without further reference to this court.

Accordingly, CRM (SB) 102 of 2023 is allowed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

