

14.09.2023  
Sl. No.18  
akd  
[ALLOWED]

**C. R. M. (DB) 3418 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.08.2023 in connection with Narendrapur Police Station Case No.473 of 2023 dated 21.05.2023 under Sections 363/365 of the Indian Penal Code and subsequently charge sheet submitted under Sections 363/365/376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act and Section 9 of the Child Marriage Act. (G.R. Case No.2893 of 2023)

And

In Re: ***Pijush Mondal @ Pijus Mondal***

... .. Petitioner

Mr. Ayan Basu  
Mr. Sandip Kumar Mondal  
Mr. Sourav Bera  
Mr. Sumit Routh  
Ms. Riya Das

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor  
Mrs. Sonali Das

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 111 days. It is further submitted there was a romantic relationship between the parties. Subsequently, petitioner was falsely implicated at the behest of the parents of the victim. Investigation is complete. Accordingly, he prays for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail and submits victim was a minor.
3. Nobody appears for the minor victim.
4. We have considered the materials on record including the statement of the victim girl. She stated she used to reside with her grandmother. She eloped with the petitioner and married. In view of the aforesaid statement which corroborates the defence plea and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Pijush Mondal @ Pijus Mondal***, be released on bail upon furnishing a 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 Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, Baruipur, South 24-Parganas subject to condition that the said petitioner 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.
6. 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.
7. The application for bail, thus, stands allowed.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**