

03.10.2023
D/L 38
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3969 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Hanskhali P. S. Case No.503 of 2023 dated 14.06.2023 under Sections 417/420/376 of the Indian Penal Code and Section 8/12 of the POCSO Act corresponding to G.R.60 of 2023.

In the matter of : Mithun Mondal

... Petitioner

Mr. Anindya Ghosh,
Ms. Sumita Sarkar

... for the petitioner

Mr. Tanmoy Kr. Ghosh,
Mr. Arindam Sen

... for the State

1. Heard learned counsel for the parties.
2. The affidavit-of-service filed by the petitioner is taken on record.
3. From the materials in the CD, it is found that two years prior to the occurrence, the petitioner had violated the informant. On 30.05.2023 at about 6-30 p.m. when the minor daughter of the informant was returning from tuition, the petitioner waylaid her on the point of pistol towards a jungle and placed his hand inside her pant and also squeezed her breast.
4. Learned counsel for the petitioner, on the other hand, submits that on the self-same day, precisely at the time of

occurrence, the petitioner was on duty in a place situated about 100 km. away from the spot.

5. Be that as it may, we do not intend to weigh the defence of alibi at this point. But the petitioner being a government servant, we do not find any chance of fleeing from the course of justice and he being in a far of place, there is also no scope on his part to tamper with the evidence. We also do not find any justification for custodial interrogation of the present petitioner.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the G.R. 60 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:
 - i) The petitioner is directed to appear before the IO as and when required by the IO for the purpose of investigation till submissions of Final Form.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.

8. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
9. The applications being CRM(A) 3969 of 2023 is disposed of.
10. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)