

06.10.2023
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 3686 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Hasnabad Police Station Case No.72 of 2023 dated 23.02.2023 under Sections 363/365/376 of the Indian Penal Code and Section 4 of the POCSO Act. (G.R. Case No.728 of 2023)

And

In Re: ***Suman Mondal***

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous

... .. for the petitioner

Ms. Minoti Gomes
Mr. Samrat Paul

... .. for the de-facto complainant

Mr. Swapan Banerjee
Mr. Anindya Sundar Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 158 days. It is further submitted there was free mixing between two young persons. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits victim is a minor.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record including the statement of the minor. In her statement she states there was a love affair between themselves. Allegation of rape requires to be assessed in the light of the free mixing between two young persons. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely **Suman 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, Basirhat, North 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)