

09.10.2023

Item No.7

Ct.No.34

dc.

Allowed

C.R.M. (SB) 194 of 2023

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Islampur Police Station Case No. 323 of 2023 dated 04.08.2023 under Section 8 of the POCSO Act and subsequently charge-sheeted under Sections 354(A) of the Indian Penal Code read with Section 10 of the POCSO Act.

And

In Re : **Rakesh Mandal**

... Petitioner.

Md. Golam Nure Imrohi

... For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,
Mr. Tanmay Kumar Ghosh,
Mr. Asraf Mondal

... For the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for about 66 days and the investigating agency has already concluded investigation and submitted charge-sheet before the jurisdictional court.

Mr. Mukherjee, learned Public Prosecutor opposes the prayer for bail and draws the attention of the Court to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. The evidence which is enclosed along with the application for bail has already been considered.

I have considered the materials appearing in the case diary. Having regard to the period of detention of the present petitioner and that the petitioner was immediately available, as such was arrested on the next date after registration of

the FIR, I am inclined to the release the petitioner on bail. As such, the prayer for bail of the petitioner is **allowed**.

Accordingly, the petitioner viz., **Rakesh Mandal** shall be released on bail upon furnishing 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, Lalbagh, Murshidabad/learned Chief Judicial Magistrate, Murshidabad at Berhampore.

If on bail, the petitioner shall stay outside the jurisdiction of Islampur Police Station and shall enter the jurisdiction only for the purposes of meeting the Inspector-in-Charge/Officer-in-Charge, Islampur Police Station once in every 15 days. The petitioner shall inform his place of residence while he is staying outside the concerned police station. The petitioner shall also make himself available on each and every date fixed by the learned Special Court.

The application for bail, being CRM (SB) 194 of 2023, is, thus, disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)