

17.10.2023
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allowed

CRM(DB) No. 4065 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 480 of 2023 dated 28.06.2023 under Sections 509/506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

And
In Re : Protap Mondal @ Paritosh Mondal petitioner

Mr. Bibaswan Bhattacharya
Mr. Asraf Mondal
.....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Santanu Deb Roy
.... for the State

Ms. Minoti Gomes
.... for the de facto complainant

1. Learned Counsel for the petitioner submits his mother-in-law had instituted a criminal case against the relations of the minor victim. In retaliation present case has been registered. Petitioner is in custody for 111 days. Investigation is in complete. He prays for bail.
2. Learned Counsel for the State opposes the prayer for bail.
3. Learned Counsel for the de facto complainant also opposes the prayer for bail.
4. We have considered the materials on record. There was prior enmity between the parties. Case and counter case have been registered. Investigation is complete. There is no chance of abscondence. Hence, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Ranaghat, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)