

18.12.2023.
92.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4286 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Barrackpore Women P.S. Case No.40 of 2021 dated 18.09.2021 under Sections 376(2)(j)(k)(n)/471/506/114 of the Indian Penal Code read with Sections 4/6/17/21 of the POCSO Act and Sections 13/14A/14C of Foreigners Act.

In the matter of : **Sri Asish Mondal @ Ashis Mondal.**

.... Petitioner.

Mr. Debasis Kar.

...for the Petitioner.

Mr. Pravas Bhattacharya,
Mr. Mirza Firoj Ahmed Begg.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Further statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure. Statement is exonerative in nature.
3. In view of the inconsistent stance taken by the victim in the matter and the period of detention suffered by the petitioner i.e. more than two years, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner viz., **Sri Asish Mondal @ Ashis Mondal** 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 Additional Chief Judicial Magistrate, Barrackpore, North 24-Paraganas subject to condition that he 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.

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

6. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)