

01.05.2023
KC (6)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 158 of 2023

In the Matter of : Jhulan Mondal

.... petitioner.

Mr. Anirban Banerjee.....For the petitioner.

Mr. A.S. Chakraborty, Ld. A.P.P.,
Mr. Ujjwal Luksom,
Mr. Sagnik Sikder.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 272 of 2022 dated 5th July, 2022 under Sections 376(3) of the Indian Penal Code read with Section 4 of the Pocso Act, 2012 corresponding to Sessions (Pocso) Case No. 93 of 2022 pending before the court of learned Additional Sessions Judge, Special Court (under Pocso Act), 2nd Court, Jalpaiguri.

An affidavit showing service on the victim shall be filed by advocate on record for the petitioner by 2nd May, 2023.

The accusation against the petitioner is rape of a minor girl of 15 years. The alleged incident took place on

22nd June, 2022. The First information report was lodged 13 days later on 5th July, 2022.

The petitioner is in custody for 282 days.

Learned counsel for the petitioner submits that there was a love affair between the petitioner and the victim. The medical report dated 5th July, 2022 inter alia states “(i) sexually assaulted or not cannot be said, (ii) not any external injury mark seen or present, (iii) hymen not seen at present but rapture cannot be said, (iv) no foreign body was found.”

Charge-sheet has been submitted but charges have not been framed.

On the above facts and circumstances, we are minded to release the petitioner on bail on the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri on the following conditions:

1. The petitioner shall deposit his passport, if he has one, with the investigating officer,
2. He shall report before the said officer as and when summoned,
3. The petitioner shall not leave the limits of the District Jalpaiguri where he resides without informing the I.C.,

4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 158 of 2023] is, accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)