

05.03.2024.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 77 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanapara P.S. Case No.129 of 2022 dated 04.07.2022 under Section 376AB of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Joylal Mondal.**

.... Petitioner.

Mr. Imtiaz Ahmed,
Mrs. Ghazala Firdaus,
Mr. Mofakkerul Islam,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Md. Arsalan,
Md. Bani Israil,
Md. Sakil Ali.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Sk. Arif Hossain.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Evidence of the victim is complete. We have perused her deposition. Whether the deposition would satisfy the requirements of the offence under Section 376AB of the Indian Penal Code or would amount to a lesser offence may be assessed during trial. Petitioner is in custody for one year and eight months. Victim has already been examined.
3. Under such circumstances, we are inclined to grant bail to the petitioner.
4. Accordingly, the petitioner viz., **Joylal 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 Judge, Special Court under the POCSO Act, Tehatta, Nadia 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)