

29.01.2024
Serial no. 2
[G.S.D]

CRM (SB) 18 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Special Case No. 195 of 2023 arising out of Narendrapur P.S. Case No. 1156 of 2023 dated 19.12.2023 under section 341/354B/325 of the IPC, Section 10 of the POCSO Act, 2012 and 75 of the Juvenile Justice Act, 2015.**

-And-

In the matter of : Mohon Mal @ Mohan Mal

... .. Petitioner

Mr. Habibur Rahaman

Ms. Jasika Alam

Mr. A. Singh

... .. For the Petitioner

Mr. Ranadeb Sengupta

... ..For the State

Ld. advocate for the petitioner submits that he has been entangled in connection with the instant case because of the disputes and differences, which arose in respect of a birthday party. This is a case of a counter case in respect of the said incident. It has further been sated that the petitioner is in custody for a period of 38 days.

Mr. Sengupta, Id. advocate for the State, has drawn the attention of the Court to the submissions of the victim girls/ladies under section 164 of the cr.p.c. and submits that the manner in which the offence has been committed and the complicity of the present petitioner has been complained

of by the victims/ladies as also corroborated by the medical report, do not warrant the release of the petitioner on bail at this stage.

I have considered the submissions advanced by the petitioner as well as that of the State.

Having regard to the materials appearing against the present petitioner and the period of his detention, I am of the view that further detention of the petitioner is unwarranted.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Mohon Mal @ Mohan Mal 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 Ld. Special Court, POCSO, Baruipur or Ld. ACJM, Baruipur.

If on bail, the petitioner shall stay outside the jurisdiction of the South 24 Parganas and shall enter the jurisdiction only for the limited purpose of attending the investigating officer once in a week till further orders of this court. The petitioner shall not intimidate and/or influence any witness and/or create any obstruction in the process of investigation. The petitioner shall inform the address where he would be staying outside the jurisdiction of South 24

Parganas to the investigating officer of the case and make himself available apart from the date fixed by the investigating officer for the purpose of investigation of this case.

Accordingly, CRM(SB) No. 18 of 2024 is allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

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

(Tirthankar Ghosh, J.)