

22.07.2024
Item no. 6.
Court No.28.
AB
(Allowed)

CRM (DB) 1762 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No.1098 of 2023 Dated 30.12.2023 under Sections 10/12 of the POCSO Act

And

In the matter of : Swapan Mondal

.....Petitioner.

Ms. Atreyee Halderfor the Petitioner.

Ms. Amita Gaur,
Ms. Sana Naazfor the State.

Dictated by Partha Sarathi Sen, J.

Affidavit of service filed in Court today, be kept with the records.

In support of the application for bail, learned Advocate for the petitioner submits before this Court that considering the fact that the present accused petitioner is languishing in judicial custody for 139 days and also considering the fact that before the learned Trial Court charge has already been framed, the instant application for bail may be considered favourably.

Prayer for bail has been opposed on behalf of the State.

On perusal of the entire materials as placed before us, it reveals that investigation has already been completed and the learned Trial Court has already framed charges against the present accused petitioner. Considering the entire materials as

placed before this Court, we find no reason to keep the present accused petitioner in further incarceration.

Accordingly, we direct that the petitioner, namely **Swapan 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 at Krishnagar, Nadia, and on further conditions that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. until further orders and he shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)

