

34.
15-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2076 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No.506 of 2022 dated 16-12-2022 under Sections 363/365/34 of the Indian Penal Code and added Section 376 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Harashit Mondal @ Sanjiban

.... Petitioner.

Mr. Prabir Majumder

... For the Petitioner.

Mr. Saibal Bapuli, learned APP,
Ms. Dhanasree Biswas

... For the State.

Mr. Sourav Mukherjee

... For the victim girl.

The petitioner says that he has been falsely implicated in this case. He has married the victim girl. A child has been born out of such marriage. The victim girl is residing at the matrimonial home with the parents of the petitioner. The petitioner is in custody for 219 days.

Learned advocate for the defacto complainant supports the submission made on behalf of the petitioner.

Learned advocate for the State says that there is nothing to the aforesaid effect in the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. He opposes the prayer for bail.

Considering that the victim girl is living in the matrimonial home presently, i.e., the petitioner's house with the petitioner's parents, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Harashit Mondal @ Sanjiban**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Judge, Special Court under POCSO Act, Krishnagar, Nadia. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once every fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2076 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)