

29.08.2024
Item no.38.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2462 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Chinsurah Police Station Case No. 07 of 2022** dated **08.02.2022** under **Sections 376(2)(f)/376(3)/328** of the Indian Penal Code and under **Sections 6** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Sankar Mondal @ Sankar Kumar Mondal.

.....Petitioner.

Mr. Pradip Roy,
Mr. Ujjal Roy,for the Petitioner.

Ms. Anasuya Sinha, Ld. APP
Mr. Subham Bhakat,for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for two and half years. The vulnerable witnesses have been examined. The medical report and the evidence of the doctor do not implicate the present petitioner since the concerned doctor has deposed before the Court that during examination of the victim, he did not find any injury on her private parts.
2. In view of such evidence-on-record and also the fact that he has been in custody for about two and half

years, the petitioner may be granted bail on any condition.

3. Learned advocate for the State opposes the prayer for bail. According to him, as per law of the land, mere touching on the private part of a victim girl is sufficient evidence to convict the accused under the appropriate law. Accordingly, he opposes the prayer for bail.
4. We have considered the material-on-record including the deposition of the victim and the doctor. In view of such material-on-record and also the fact that the petitioner has been in custody for about two and half years and further 8 more witnesses are to be examined till now, we find that there is no chance of an early conclusion of the trial. In view of the above, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely **Sankar Mondal @ Sankar Kumar 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 POCSO Act), Hooghly and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the

concerned police station once in a fortnight until further orders.

6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. 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.
8. The application for bail is, accordingly, allowed.
9. It appears that in the order dated August 22, 2024, the name of Shri Subham Bhakat, learned advocate for the State was not recorded.
10. Let that order be corrected by incorporating the name of Shri Subham Bhakat as learned counsel who represented the State along with Ms. Anasuya Sinha, learned APP.
11. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

