

29.08.2024

Item No.5
Ct.No.34
b.das
Allowed

C.R.M. (SB) 116 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS, 2023 filed in connection with Nakashipara Police Station Case No.87 of 2024 dated 28.01.2024 under Sections 8 & 12 of the Protection of Children from Sexual Offences Act.

And

In Re : **Mongol Mondal**

... Petitioner.

Mr. Kushal Kumar Mukherjee
Mr. Narattam Acharyya

... for the Petitioner.

Mr. Debasish Roy
Mr. Arijit Ganguly
Mr. Sufi Kamal

... For the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the private opposite party despite service.

Learned counsel for the petitioner submits that the petitioner is in custody for about 220 days. Charge sheet has been submitted. His further detention is not required for investigation.

The petitioner prays for bail.

Learned counsel for the State produces the Case Diary, particularly the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and opposes the prayer for bail.

It appears that the petitioner is in custody for about 220 days. Investigation has culminated in submission of charge sheet.

Considering the material available in the Case Diary and period of detention of the petitioner, this Court is of the view that further detention of the petitioner is not required for custodial interrogation and the petitioner may be released on bail subject to stringent conditions.

Accordingly, the petitioner, **Mongol Mondal** 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 learned Additional Sessions Judge, 2nd Court-cum-Special Court under POCSO Act, Krishnagar, Nadia subject to condition that the petitioner shall remain outside the jurisdiction of Nakashipara P.S. and shall furnish his address where he shall presently reside to the learned Trial Court as well as the Inspector in Charge/Officer in Charge, Nakashipara P.S. and the Officer in Charge of the concerned P.S. where he shall reside presently.

He shall appear before the learned Trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions without any justifiable cause, the learned 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 (SB) 116 of 2024, is disposed of.

Case Diary be returned.

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

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

(Suvra Ghosh, J.)