

40.
25-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2934 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Police Station Case No.74 of 2019 dated 13-02-2019 under Section 6 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Bhudeb Mondal

.... Petitioner.

Mr. Mazahar Hossain Chowdhury

... For the Petitioner.

Mr. Binay Kumar Panda,
Ms. Puja Goswami

... For the State.

Ms. Minoti Gomes

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

Affidavit-of-Service filed in Court today be taken on record.

The petitioner says that he has been falsely implicated. He is in custody for about five years seven months. Only five out of ten witnesses have been examined. He prays for bail.

No doubt, there has been inordinate delay in the progress of the trial. Further, we find that the defacto complainant and other family members of the victim girl, who have already deposed before the learned trial Judge, have

turned hostile. Therefore, this has obviously made a big dent into the prosecution case.

In view of the prolonged detention of the petitioner and also in view of the fact that vital prosecution witnesses have turned hostile, we allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner, namely, **Bhudeb Mondal**, 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, Additional Sessions Judge, 2nd Court, Malda. 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 not enter the jurisdiction of Malda Police Station except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall inform, through his learned advocate, the learned trial Court and Officer-in-Charge/Inspector-in-Charge of Malda Police Station his current local address where he shall be residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station once in a week, 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) 2934 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.)