

**CRM (DB) 3321 of 2024**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Magrahat Police Station** Case No. **202 of 2024** dated **25.05.2024** under Sections **376(2)/506** of the Indian Penal Code and Section 4 of the POCSO Act.

- A n d -

**In the matter of : Rakesh Mondal @ Rakesh Chand Mondal @ Rakesh Ch. Mondal**

.... Petitioner.

Mr. Sourav Chatterjee,  
Mr. A. Khan,  
Mr. Soumya Nag,  
Mr. A. Tiwari,

... For the Petitioner.

Mr. Atif Ahmed Siddiqui,

... For the State.

Mr. Mrinal Kanti Maity,  
Mr. Debabrata Sardar,

.... For the defacto complainant.

**Order dictated by Arijit Banerjee, J.:**

1. Affidavit of service filed in Court today be kept with the records.
2. The petitioner says that he has been falsely implicated. He is the elected Pradhan but belongs to the rival political party. He was beaten up by the defacto complainant in this case. He suffered serious injury. Before his mother could lodge complaint against the defacto complainant in this case, the present false complaint was lodged.
3. Opposing the prayer, learned State Advocate and the learned Advocate for the defacto complainant draw our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have seen the medical report which *prima facie* does not support the prosecution case.

4. On an overall consideration of the facts and circumstances of the case and seeing that the possibility of a politically motivated complaint cannot be ruled out and also keeping in mind that the investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.

5. Accordingly, we direct that the petitioner, namely, **Rakesh Mondal @ Rakesh Chand Mondal @ Rakesh Ch. 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, under the POCSO Act, Diamond Harbour, South 24 Parganas, subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not leave the jurisdiction of concerned Police Station and shall meet the officer-in-charge of the concerned police station once in a fortnight until further orders.

6. 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.

7. The application for bail is, accordingly, allowed.

8. 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. )**