

CRM (DB) 3122 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 **Mothabari Police Station** Case No. **211 of 2024** dated **15.04.2024** under Sections **454/323/506** of the Indian Penal Code and Section 4 of the POCSO Act.

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In the matter of : Bikram Mandal

.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick,

... For the Petitioner.

Mr. Prasun Kr. Dutta,
Mr. Ratul Ghosh,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Affidavit of service filed in Court today be kept with the record.
2. Learned Counsel for the petitioner submits that the petitioner is in custody for 150 days. This case has been falsely initiated due to previous grudge. The victim and the petitioner are relatives. Investigation is complete and there is no incriminating material which suggest that the penetrative sexual assault as allegedly has been committed by the petitioner. The petitioner may be granted bail on any condition.
3. Learned Advocate for the State places the case diary and he draws the attention of the Court to the medical report as well as the statement of the witnesses recorded under Section 164 of the Code of Criminal Procedure.
4. We have considered the materials on record including the case diary. We have also taken into consideration the medical report which does not support the prosecution case at this stage.

As the investigation is complete and there is no chance of an early conclusion of trial, we are inclined to enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Bikram Mandal**, 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 Special Court under the POCSO Act, Malda 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 enter the jurisdiction of Mothabari Police Station and shall not leave the jurisdiction of the Malda police station and shall meet the officer-in-charge of the Malda 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.)**