

26.11.2024
Item no.16.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 3197 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Mothabari Police Station Case No. 172 of 2024** dated **27.03.2024** under **Section 6 of the Protection of Children from Sexual Offences Act, 2012.**

And

In the matter of : Jugal Mandal @ Gujju.

.....Petitioner.

Mr. Wasim Akram,
Ms. Reshmi Khatun,
Ms. Sabrin Parvin,for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Pritha Paul,for the State

Dictated by Arijit Banerjee, J.

1. Affidavit-of-service filed in Court today be kept with the records. In spite of service, nobody appears on behalf of the de facto complainant/victim girl.
2. The petitioner says that he is in custody for 8 months. He has been falsely implicated. There is a long standing property dispute between the petitioner's family and the family of the victim girl who are neighbours. He prays for bail.
3. Learned State advocate, while opposing the prayer, draws our attention to the material in the case diary. The medical report does not support the prosecution case.

4. On an overall assessment of the material on record, the possibility of a motivated complaint by reason of a property dispute cannot be ruled out and also keeping in mind that the petitioner is a senior citizen, we are inclined to allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Jugal Mandal @ Gujju** shall be released on interim 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), Malda 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 interim bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.

9. 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.)