

CRM (DB) 3507 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 **Manikchak Police Station** Case No. **359 of 2023** dated **24.05.2023** under Sections **363/365** of the Indian Penal Code and Section 6 of the POCSO Act.

- A n d -

In the matter of : Bishwajit Mandal

.... Petitioner.

Md. Wasim Akram,
Mr. Sabir Parveen,

... For the Petitioner.

Mr. Jaydeep Biswas,
Mr. Ratul Ghosh,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State be kept with the records. In spite of service nobody appears for the defacto complainant/victim.
2. The victim in her statement recorded under Section 164 of the Code of Criminal Procedure says that she left home on her own volition with Bishwajit Mandal. Bishwajit did not do anything wrongful with her.
3. Learned State Advocate opposes the bail prayer.
4. In view of the aforesaid and considering that charge sheet has already been submitted upon completion of investigation, we do not deem it necessary to detain the petitioner in judicial custody any further.
5. Accordingly, we direct that the petitioner, namely, **Bishwajit 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 Judge 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 leave the jurisdiction of concerned Police Station and shall meet the officer-in-charge of the concerned police station once every 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.)