

05.01.2024.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4666 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with New Town P.S. Case No.284 of 2023 dated 11.09.2023 under Sections 3/4/5/7 of the Immoral Traffic (Prevention) Act read with Sections 4/6/17 of the POCSO Act.

In the matter of : **Subashis Mondal.**

.... Petitioner.

Ms. Shabana Hasim,
Mr. Prasad Bhattacharyya.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Asif Dewan.

...for the State.

Mr. Siddhartha Sarkar.

...for the Victim.

1. Petitioner submits he is in no way involved in trafficking of women. He had gone to the hotel with his girlfriend to celebrate the birth day of another friend. He is in custody for 116 days. Accordingly, he prays for bail.
2. Learned Advocate for State produces the Case Diary.
3. Learned Advocate for one of the victims does not oppose the bail application.
4. We have considered the materials on record including the statement of the victim who is alleged to have been found with the petitioner. Her statement is exonerative in nature.
5. Under such circumstances, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Subashis 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, Special Court under the POCSO Act, Barasat, North 24-Paraganas 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)