

32. 13.03.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 559 of 2025

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, arising out of **Kultali** Police Station Case No. 688/2023 dated 28.10.2023 under Sections **450/376(2)(n)/376(3)/506** of the Indian Penal Code read with Section 6 of POCSO Act, 2012. Special Case No. 168/2023.
And

In the matter of: - **AIJUL MONDAL @ AZIZUL MONDAL**

...petitioner.

Mr. Soumya Nag
Mr. Aditya Tiwari
Ms. Namrata Chatterjee

...for the petitioner.

Mr. Iqbal Kabir
Ms. Ankita Paul

...for State.

Mr. Soumya Basu Roy Chowdhuri

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records.
2. Pursuant to service, the *de facto* complainant is represented through learned lawyer.
3. Although charge-sheet has been submitted under Sections 6/17 of the Protection of Children from Sexual Offences (POCSO) Act, 2012, *prima facie*, the material on record does not appear to be supporting such charge. The petitioner says that at the highest the charge can be of attempted rape i.e., under Section 8 of POCSO Act.
4. Learned Advocates for the State and the *de facto* complainant oppose the prayer for bail.

5. We have seen the material in the case diary and the medical report. The medical report *prima facie* does not support the prosecution case. The petitioner is in custody for one year and three months.
6. In view of the aforesaid and considering the period of detention of the petitioner and seeing that there is no possibility of an early conclusion of the trial, since the trial has not yet begun, we are inclined to allow the petitioner's prayer for bail.
7. Accordingly, we direct that the petitioner, namely, **AIJUL MONDAL @ AZIZUL MONDAL** shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1st Court, Baruipur, South 24-Parganas, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Kultali Police Station and shall furnish his present address through his learned Advocate to the Inspector-in-Charge/Officer-in-Charge of Kultali Police Station as well as the learned Trial Court and shall also report to the Inspector-in-Charge/Officer-in-Charge of the concerned Police Station, within whose jurisdiction he will be presently residing, once in a week, until further orders.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above 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.
9. The application for bail being CRM (DB) 559 of 2025 is accordingly disposed of.
10. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Om Narayan Rai, J.)