

Court No.29.

S. De
(Allowed)

CRM (DB) No. 683 of 2025

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 **Krishnaganj P.S. Case No. 144 of 2023** dated **19.04.2023** under **Sections 376(3)/506 of the Indian Penal Code, 1860** read with **Section 6(1) of the Protection of Children from Sexual Offences Act, 2012.**

And

In the matter of : Shibnath Mondal @ Shibu Mondal.

...Petitioner.

Mr. Joydeep Biswas,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Mr. Kaushik Ghosh,for the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Mr. Rajes Jana, ...for the State.

Ms. Suchismita Dutta, ...for the de facto complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner has submitted that the petitioner is in custody for more than 1 year and 10 months. 1 witness has been examined in full and another in part. There is no incriminating material against the present petitioner and that has been divulged during the cross-examination of the victim. She has clearly stated that she has been tutored by her father at the time of recording her statement under Section 164 Cr.P.C. and further there are sufficient materials showing that the instant case has been falsely lodged by the de facto complainant.
2. The learned counsel for the State and the learned counsel for the de facto complainant have raised objection. According to them,

there are sufficient incriminating materials against the present petitioner.

3. We have considered the case diary including the medical report. The medical report is inconclusive. The investigation is complete. Chargesheet has already been submitted. The witness action has begun. There is at least one statement of the victim girl's mother recorded under Section 161 Cr.P.C. to the effect that the complaint was lodged under misunderstanding. However, considering the period of detention and also the fact that there is no chance of early conclusion of the trial, we are inclined to allow the bail prayer of the petitioner on certain conditions.
4. Accordingly, we direct that the petitioner, namely, **Shibnath Mondal @ Shibu 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 POCSO Act), Nadia at Krishnagar, subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station and shall meet the Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
5. 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.
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.)