

30. 28.03.2025
Court
No.29 (Tanmoy)

Allowed

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (DB) 904 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 **Onda** Police Station Case No.**179/2023** dated **21.9.2023** under Section **376** of the Indian Penal Code, 1860 read with Section **4** of POCSO Act, 2012. Charge-sheet no. 195/2023 dated 04.11.2023, submitted under Section **376** of the Indian Penal Code, 1860 read with Section **4** of POCSO Act, 2012. Special Case No.21/2023.

And

In the matter of: - **MAINUDDIN MONDAL**

...petitioner.

Mr. Soumik Ganguly

...for the petitioner.

Mr. Pravash Bhattacharya

Mr. Rahul Ganguly

...for the State.

Dictated by Apurba Sinha Ray, J.

1. Service report filed by the State in Court today be kept with the records. In spite of service, nobody appears for the *de facto* complainant/victim.
2. Learned Counsel for the petitioner submits that the petitioner is in custody for one year and six months. The petitioner claims that he has been falsely implicated in this case. 11 witnesses out of 18 charge-sheet named witnesses have already been examined. The vulnerable witnesses have also been examined. The medical report does not support the prosecution case. There is no chance of an early conclusion of the trial. The

petitioner may be enlarged on bail on any condition that this Court may decide.

3. Learned Counsel for the State opposes the prayer for bail. He draws our attention to the medical report at page 26 of the case diary. According to him, the prosecution will take every step to complete the trial on an early date.
4. We have considered the materials on record including the depositions of the witnesses. It appears that 11 witnesses out of 18 charge-sheet named witnesses have been examined. We have also found that there is no medical report excepting a paper showing as emergency treatment card at page 26 of the case diary. Learned Counsel for the State submits, that is the only document relating to medical examination of the victim available in the case diary.
5. On a perusal of the said emergency treatment card it appears that there is nothing against the present petitioner and that does not support the prosecution case. However, considering the period of detention and the stage of the trial, we are inclined to allow the petitioner's prayer for bail on certain conditions.
6. Accordingly, we direct that the petitioner, namely, **MAINUDDIN 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 Judge, Special Court under POCSO Act, Bankura, 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 Onda Police Station, until further orders and shall furnish his present address to the Officer-in-Charge/Inspector-in-Charge of the said Police Station as well as the learned Trial Court and shall report to the Officer-in-Charge/Inspector-in-Charge of the concerned Police Station within whose jurisdiction he will be presently residing, once in a week, until further orders.

7. 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.
8. The application for bail being CRM (DB) 904 of 2025 is accordingly disposed of.
9. 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)