

20.05.2025
Item No.4
Court No.39
ss
(Allowed)

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

C.R.M.(R) 35 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 Rejinagar Police Station Case No.139 of 2024 dated June 06, 2024 under Sections 341/354/34 of the Indian Penal Code read with Section 12 of the POCSO Act, 2012 giving rise to C. Spl. Case No.73 of 2024 presently pending before the learned Judge, Special (POCSO) Court, Berhampore, Murshidabad.

-And-

**In re : Abdul Basar Mondal @ Basar Sk. @ Basar Mondal
& anr.**

... Petitioners

Mr. Navanil De
Mr. Srinjan Ghosh

...for the petitioners

Mr. Arindam Sen
Ms. Snigdha Saha

...for the State

Mr. Sujan Chatterjee

... for the *de facto* complainant

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned Advocate for the petitioners submit that out of family dispute the present petitioners have been falsely implicated in this case. There are no such allegations against the petitioners save and except of assault and threatening. Upon completion of investigation, charge-sheet has been submitted in this case. The petitioners are in custody for last 42 days on

surrendering before the trial court. He seeks for enlargement of the petitioners on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the statement of the victim as well as of the mother (complainant) clearly implicates the petitioners in the alleged offence. He seeks for dismissal of the bail application.

Learned Advocate for the *de facto* complainant leaves the matter to the discretion of this Court. He also indicates that the matter has been amicably settled between the parties.

Perused the case diary and the materials on record.

The victim implicates the petitioners in her statement. The mother of the victim (complainant) in her statement stated that the victim was assaulted. The contemporaneous medical document shows that the victim did not make any allegation against the petitioners. The veracity of the statement of the victim may be examined in trial. Upon completion of investigation, charge-sheet has already been submitted in this case and the petitioners are in custody for last 42 days. Considering the above, I am inclined to grant bail to the petitioners.

Accordingly, the petitioners, namely, **(1) Abdul Basar Mondal @ Basar Sk. @ Basar Mondal and (2) Alamgir Sk.,** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand) each, with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge Special (POCSO) Court, Berhampore, Murshidabad. The petitioners shall appear before the trial court on each and every

day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioners shall meet the Officer-in-Charge of Rejinagar Police Station once in a fortnight, until further orders. The petitioners shall not enter within the territorial jurisdiction of Rejinagar Police Station except for the purpose of attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. The petitioners shall furnish the address where they shall presently reside before the learned trial court, the investigating officer and the Officer-in-Charge of the police station under whose jurisdiction they shall presently reside.

In the event the petitioners fail to comply with any of the conditions as stated above, the learned Trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

Accordingly, the application for bail being **CRM (R) 35 of 2025** is disposed of.

(Bivas Pattanayak, J.)