

11.07.2025
Item No.11.
Daily List
Court No.42
Mithun
(Allowed)

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

CRM (M) 710 of 2025

In re : An Application under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the BNSS, 2023 in connection with ST Case No.2(11)24 corresponding to Deganga Police Station Case No.624/23 dated 01.12.2023 under Sections 363/365/376(3) of the Indian Penal Code in which charge sheet was submitted under Sections 363/365/376(3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 pending before the learned Judge, Special POCSO Court, Barasat, North 24-Parganas..

-And-

In the matter of : Sahil Mondal @ Mohanur Mondal

... ... Petitioner (in Jail)

Md. Shamim Uddin,
Sk. Samiul Haque,

...for the Petitioner

Mr. Amit Roy

... for the *de facto* complainant.

Ms. Sreyashee Biswas,
Ms. Pallavi Priyadarshee

... ...For the State

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs. The victim left her house out of her own accord. There are no such incriminating materials against the petitioner who is languishing custody for more than 10 months and upon completion of investigation charge sheet has been submitted in this case. Charges have been framed in the month of November, 2024 without there being progress in trial. He seeks for enlargement of the petitioner on bail. To buttress his contention, he relies on the

decision of the Hon'ble Supreme Court in ***Deshraj @ Musa-versus-State of Rajasthan*** reported in ***2024 Supreme (Online)(SC) 10009***.

Opposing such prayer for bail, learned Advocate for the State submits that the petitioner suppressed that he belongs to Muslim community. The petitioner entered into physical relationship with the minor aged 13 years and also wrongfully confined the victim in his house. He seeks for dismissal of the bail application.

Similar submission advanced on behalf of the *de facto* complainant.

Perused the case diary and the materials on record.

The victim in her statement admits love affairs with the petitioner and she left her house out of her own accord. There are no such implication of any forcible sexual assault. The petitioner is in custody for more than 10 months. Charge has already been submitted and charges have been framed. The victim refused to undergo medical examination. Considering the above, I am inclined to enlarge the petitioner on bail on stringent conditions.

The petitioner, namely, **Sahil Mondal @ Mohanur Mondal** 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 a local, to the satisfaction of the learned Judge, Special POCSO Court, Barasat, North 24 Parganas subject to condition that the petitioner shall report to the Inspector-in-Charge of the concerned Police Station once in a

fortnight. The petitioner shall not enter the jurisdiction of Deganga Police Station except for the purpose of attending court proceedings and reporting to the Inspector-in-Charge of the concerned Police Station. The petitioner shall furnish the address where he shall presently reside before the learned Trial Court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall appear before the learned Trial Court on each and every date fixed and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fail to comply with the conditions as enshrined hereinbefore, it is open to the trial Court to cancel the bail without further reference to this Court.

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Accordingly, **CRM (M) 710 of 2025** is disposed of.

(Bivas Pattanayak, J.)