

07.11.2024
Sl. No.85
SG
[ALLOWED]

C. R. M. (DB) 3484 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2024 in connection with Deganga Police Station Case No. 617 of 2022 dated 23.09.2022 under Sections 363/366/376DA of the Indian Penal Code, 1860 and Section 6 of POCSO Act, 2012.

And

In Re: ***Ala @ Allauddin Mondal***

... .. Petitioner

Mr. Sandip Chakrabarty,
Mr. Kaustav Das.

... .. for the petitioner

Mr. Subhomay Bhattacharya,
Mr. Asif Dewan

... .. for the State

Mrs. Manasi Roy

... .. for the de facto complainant

1. Learned Advocate for the petitioner submits evidence of the minor is exonerative in nature.
2. Learned Advocate for the State contends though the evidence of the minor is exonerative, medical report shows she was subjected to sexual torture.
3. Learned Advocate for the minor submits she made evasive statements.
4. We have considered the materials on record including her evidence. In her evidence she has exonerated the petitioner. However, her version appears to be untrue in light of the medical report which shows she was subjected to sexual assault.
5. In such view of the matter though we are constrained to enlarge the petitioner on interim bail, we direct the

Commissioner of Police, Barasat Commissionerate to conduct an investigation into the circumstances in which the victim and her father made patently false statements in Court which runs counter to the medical report.

6. Therefore, the accused/petitioner, namely ***Ala @ Allauddin Mondal*** be released on interim bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barasat subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever on further condition petitioner shall remain within North 24-Parganas and report to the Officer-in-charge, Deganga Police Station once in a week until further orders.
7. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
8. Interim Bail shall continue for six weeks or until further orders, whichever is earlier.
9. Let the matter appear four weeks hence (05.12.2024). Report be filed on that date.
10. Copy of this order be communicated to Commissioner of Police, Barasat Commissionerate for due compliance.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)