

45.
06-01-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3855 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Murshidabad Police Station Case No.708 of 2022 dated 03-11-2022 under Sections 363/365/34 of the Indian Penal Code adding Section 04 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Utpal Mondal

.... Petitioner.

Mr. Md. Golam Nure Imrohi,
Mr. Md. Sabbir Biswas

... For the Petitioner.

Mr. Soumik Ganguly,
Mr. Debanik Das

... For the State.

Dictated by Apurba Sinha Ray, J.

1. Affidavit-of-Service filed in Court today is taken on record. In spite of service, nobody appears on behalf of the defacto complainant/victim.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. Investigation is complete. There is no chance of an early conclusion of the trial as there are 12 charge sheet named witnesses to be examined by the prosecution. As the investigation is complete, he may be enlarged on bail on any condition. Learned counsel has also pointed out that the victim refused to undergo medical examination at the initial

stage of the investigation. Further, there was a romantic relationship between the victim and the present petitioner.

3. Learned counsel for the State opposed the prayer for bail. According to him, the petitioner absconded for more than two years. Subsequently, he was arrested by the police. If the petitioner is enlarged on bail, he may again abscond for which the progress of the trial will be hampered.

4. We have considered the material on record and found that the victim refused to undergo medical examination. It further appears from the record that investigation is complete and as such, there is no need for further custodial detention of the present petitioner.

5. In view of the above, we are inclined to allow the prayer of the petitioner for bail.

6. Accordingly, we direct that the petitioner, namely, **Utpal 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 learned Judge, Special Court under POCSO Act, Lalbagh, Murshidabad. The petitioner shall appear before the learned 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. The petitioner shall not enter the jurisdiction of Murshidabad Police Station except for the purpose of attending the court proceedings. The petitioner shall reside within the jurisdiction of Rejinagar Police Station and shall furnish his address where he will be residing while on bail, to the learned trial Court and the Officer-in-Charge/Inspector-in-Charge of Rejinagar Police Station and Murshidabad Police Station and shall appear before the Officer-in-Charge/Inspector-in-Charge

of Rejinagar Police Station once in every 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 learned trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)