

CRM (DB) 4028 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Singur Police Station** Case No. **152 of 2023** dated **29.04.2023** under Sections **376AB** of the Indian Penal Code and Section 6 of the POCSO Act.

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In the matter of : Biswajit Mondal

.... Petitioner.

Mr. Bitasok Banerjee,

... For the Petitioner.

Mr. Bidyut Kumar Roy,

Mrs. Manasi Roy,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Affidavit of service filed in Court today be kept with the records.
2. In spite of service none appears for the defacto complainant/victim.
3. The petitioner claims that he is in custody for about one year nine months. Only 2 out of 15 charge sheet named witnesses have been examined. Last one year there was no examination of witnesses. There is no chance of an early conclusion of the trial. He has been falsely implicated in this case. If the petitioner is enlarged on bail, he shall comply with all the conditions that may be imposed on him.
4. Learned State Advocate opposes the prayer for bail. He says that there are sufficient incriminating materials against him as per the evidence of the defacto complainant being the mother of the victim and also the victim herself. If the petitioner is enlarged on bail, the prosecution may suffer.

5. We have considered the materials on record including the deposition of the victim girl and the defacto complainant. We also find that the victim girl refused to undergo medical examination.

6. As there is no chance of an early conclusion of the trial and we note that an accused person's fundamental right to personal liberty and speedy disposal of cases cannot be overlooked, we are inclined to enlarge the petitioner on bail.

7. Accordingly, we direct that the petitioner, namely, **Biswajit Mondal**, shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Special Judge under the POCSO Act, Chandannagar, Hooghly subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within the jurisdiction of the Chandannagore Police Station and shall meet the I.C. of the concerned police station once every week until further orders.

8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

9. The application for bail is, accordingly, allowed.

10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**