

05.03.2025
Item No.18
Court No.26
S.D.
(Bail granted)

CRM (DB) 4311 of 2024

In re: An Application for **Bail** under Section **483** of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) in connection with
Gobardanga Police Station Case No. **42** of **2023** dated
11.02.2023 under Sections **363/365 of Indian Penal Code**
which ended up in charge sheet dated 16.3.2023 under Sections
363/365 of the Indian Penal Code and Sections 4/6 of the
Protection of Children from Sexual Offences Act.

In the matter of: **Rajib Mondal**
... .. Petitioner

Mr. Angshuman Chakraborty
... .. For the Petitioner

Mr. Zareen N. Khan, Jr. Govt, Adv.,
Mr. Nirupam Dhali
...For the State

Report as called for by the order dated February 21,
2025 filed in Court be taken on record.

Petitioner is in custody in excess of 2 years and 12
days.

14 prosecution witnesses are scheduled to be
examined. Out of which only three were examined.

Victim deposed at the trial.

Learned advocate appearing for the petitioner draws
out detention to the deposition of such victim.

In examination-in-chief, victim claims that she was taken to the house of the petitioner where vermilion was put on her forehead and there was a physical relationship between her and the petitioner forcefully against her will. Victim stated that her brother lodged the complaint.

Doctor examining the victim also deposed at the trial. In cross-examination, doctor claimed that it was possible that sexual intercourse took place with consent.

Apparently, there was some kind of relationship between the petitioner and the victim.

Considering the materials present on record and the period of detention of the petitioner, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on 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 Special Judge, POCSO Court at Barasat, North 24-Parganas** subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails 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.

The prayer for bail of the petitioner is **allowed**.

C.R.M.(DB) 4311 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)