

09.02.2026

Court No.35.

M/L.173.

Rakib

(Allowed)

CRM (M) 2358 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Amdanga Police Station case no. 236 of 2020 dated 19.04.2020 under Sections 376(2)(i)/376(3) of the Indian Penal Code and under Section 6 of the POCSO Act, 2012.

And

In the matter of : Akbar Ali Mondal @ Gunda @ Ali Akbar Mondal.

.....Petitioner.

Mr. Santanu Talukdar

Mr. Manojit Debnath

.....for the Petitioner.

Mr. Partha Pratim Das

Mr. Subhajit Chowdhury

.....for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for more than two years one month, Other accused persons have been granted bail and on any stringent conditions petitioner may be released on bail.

Learned advocate for the State opposes the prayer for bail and submits exhaustive report, let the same be kept with the record.

I have taken into account the totality of the circumstances, particularly, the fact that the petitioner was initially absconding for more than three and half years. However, initially also no witness has been examined in this case. The case was registered on 19th of April, 2020, petitioner is in custody since 20th January, 2024.

On an assessment of the statement under Section 164 of the Cr.P.C., I find that other accused persons were involved but the bail

was granted as there was no progress in respect of the case and on ground of delay. I have taken into account the complicity of the present petitioner compared to other accused persons also, except the ground for initial absconsion, the complicity remains the same.

I have also taken into account the medical documents which are part and parcel of the Case Diary and the fact that 20 witnesses have been cited by the prosecution. As till date none of the witnesses have been examined, I am of the view that further detention of the petitioner may not be warranted in the facts and circumstances of the case, as such the prayer for bail of the petitioner is **allowed**.

As such, petitioner namely, **Akbar Ali Mondal @ Gunda @ Ali Akbar Mondal** shall be released on bail upon furnishing bond of Rs. 20,000/- (Rupees Twenty Thousand only), with two sureties of Rs. 10,000 (Rupees Ten Thousand only) each, one of whom must be local to the satisfaction of the learned Judge, Special Court under POCSO Act, Barasat, North 24 Parganas.

If on bail, the petitioner shall be physically present on each and every date before the learned Special Court and shall not leave the jurisdiction of district of North 24 Parganas without the prior permission of the learned Special Court.

Additionally, petitioner shall also not enter into the jurisdiction of Amdanga Police Station without prior permission of the learned Special Court.

Petitioner will inform his place of residence to the learned Special Court and also to the Inspector-in-Charge / Officer-in-Charge of the concerned police station where he would be residing.

Accordingly, the application for bail being CRM (M) No. 2358 of 2025 is **allowed**.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)