

SPL 47/2026

Present: SUTIRTHA BANERJEE [J.O. Code WB-00980]
Additional District & Sessions Judge , Basirhat
North 24 Pgns

Order no. 5 dated 2/6/2026

Accused Bhanu Mondal produced from judicial custody through audio video linkage.

Bail application filed for accused person by Ld. Advocate.

Ld. Special P.P. files hazira and is present.

Ld. advocate for de-facto complainant also present.

At the very outset, Learned Advocates for the accused person submits before this Court that no such application u/s 482/483 BNSS is either pending and/or disposed of in the negative by any higher forum.

Ld. Advocate for accused prays for bail on ground of false implication which he says is evident from the grossly delayed F.I.R. It is submitted that this accused who is father of principal accused had no role to play in alleged offences and has been dragged into the case to force the principal accused to marry the de-facto complainant cum V.G. Ld. advocate alleged that F.I.R. was grossly delayed and V.G. had suppressed the fact that she was related to the accused person.

Prayer for bail has been made on any terms and conditions.

Ld. Special Public Prosecutor raises objection citing nature and gravity of alleged offences and materials in case diary.

Heard both sides. Considered.

Perused the record and case diary.

V.G. cum de-facto complainant is now major. It has been alleged that prime accused committed rape on her 3 years back and her parents did not pursue the matter as they promised that prime accused would marry her. Thereafter prime accused had various sexual escapades with her and she conceived but she was made to undergo abortion at Basirhat by the prime accused person and this accused and his wife. Later the prime accused threatened the de-facto complainant cum V.G. and refused to marry her despite allegedly having sexual intercourse with her on several occasions and at various places lastly in April 2026.

There is no direct allegation of offence under section 6 POCSO Act against present accused person being father of principal accused. Allegation against him is confined to causing miscarriage of the de-facto complainant cum V.G. at a nursing home. However no specific date/time of such alleged abortion has been mentioned. Moreover materials in the case diary collected thus far- particularly page 63 of the case diary- make this allegation highly doubtful. Curiously prime accused appears to be cousin brother of V.G. which is neither disclosed in F.I.R. for unknown reason.

I have traversed the entire gamut of this case and the materials exposted in the CD and after such exercise I find that further confinement of the accused person in judicial custody is not an indispensable necessity for the unhindered investigation in the case especially when search and seizure from the accused person is complete and there has been no development in the CD since then. The accused person is in custody for a considerable period of time and sufficient opportunity has been given to the investigating officer to develop the probe.

There is no material to conclude that the accused person has propensity to win over the witnesses or tamper with the evidence if released on bail.

Hence based on the above delineations the prayer for bail stands allowed.

Accused may hence find interim bail of Rs. 3,000/- with one surety of like amount i/d to judicial custody till 16/6/2026 with further condition to co-operate with investigation, meet the I.O. of the case once a week for next one month or till submission of charge-sheet(whichever is earlier) and not directly or indirectly making any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

If on bail, to **02/07/2026** for appearance and I.O.'s report._

Dictated & corrected by me

Judge,Spl. Court (POCSO Act)
Basirhat, North 24 Parganas

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