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ss Allowed

C.R.M. 10944 of 2019

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 21.11.2019 in connection with Dhupguri P.S. Case No. 419 of 2017 dated 07.12.2017 under sections 305/34 of the Indian Penal Code read with section 12 of the POCSO Act.

And

In the matter of : Rubel Alam & Anr.

Mr. Pravas Bhattacharya

... .. for the petitioners

Mr. Angshuman Chakraborty

... .. for the State

It is submitted on behalf of the petitioners that there is no direct evidence showing that they had abetted the suicide of the minor.

Learned counsel appearing for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission on behalf of the petitioners and in view of the period of detention suffered by them, that is 423 days, we are inclined to grant bail to them.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri subject to the condition that the petitioners shall

appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fails to do so without justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)