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CRM 8635 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara P.S. Case No.102 of 2020 dated 06.05.2020 under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In the matter of: Mangal Ghosh

....Petitioner.

Mr. Kallol Mondal

Mr. Amanul Islam

...for the Petitioner.

Ms. Z.N. Khan

Mr. M.F.A. Begg

...for the State.

The petitioner is in custody for over six months.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner tried to ravish a minor girl and his prayer for bail was rejected earlier.

Although the allegations are grave, there was little progress since the last rejection of bail. Balancing the gravity of the offence with the period of pre-trial detention suffered by the petitioner, we are of the opinion that further detention of the petitioner is not necessary and he may be granted bail, however, subject to strict conditions.

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 Additional Sessions Judge, Tehatta, Nadia subject to condition that the petitioner shall appear before the trial court

on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Palashipara P.S. until further orders except for the purposes of attending court proceedings and shall report to the Officer in charge of the concerned P.S. within whose jurisdiction he shall presently reside once in a week until further orders.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)