

21.12.2020
Item no. 96
Court No.28
AB

C.R.M. No.10339 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhutni Police Station Case No.82 of 2019 Dated 05.07.2019 under Sections 302/201/120B of the Indian Penal Code

And

In the matter of:-

Dipak Mandal

... Petitioner

Mr. Sagar Saha

.. for the petitioner

Mr. Nguive Ahmed,
Ms. Amita Gaur

..for the State

It is submitted on behalf of the petitioner that he is in custody for 229 days and co-accuseds are on statutory bail. Complicity of the petitioner has arisen from statement of the said co-accuseds.

Learned Counsel for the State opposes the prayer for bail and submits that the parents of the minor girl in collusion with the petitioner had killed the child. Her deadbody has not been recovered, as yet.

We have considered the materials on record. Although the allegations are heinous, there is no direct evidence as against the petitioner with regard to his role in the alleged crime.

Under such circumstances and as the co-accuseds are on bail, we are inclined to extend similar privilege to the petitioner also.

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, each of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda, subject to the condition that he 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.

In the event the petitioner fails 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.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

