

02.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 595 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No. **229** of **2020** dated **27.07.2020** under Sections 498A/302/34 of the Indian Penal Code and added Sections 4/6 of the Protection of Children from Sexual Offences Act.

And

In Re : Rahul Chowdury

..... petitioner

Mr. Partha Chakraborty

Ms. Sharmistha China

.....for the petitioner

Mr. Aniket Mitra

....for the State

Petitioner renews the prayer for bail.

Learned advocate appearing for the petitioners submits that, the petitioner is in custody for 576 days without the trial commencing any time soon. The police filed charge-sheet.

Learned advocate appearing for the State submits that, after submission of the charge-sheet, the de-facto complainant filed a petition taking exception to the charge sheet submitted, upon which the police was directed to conduct further investigation. The police are continuing with the further investigation.

In response to a query of the Court, learned advocate appearing for the State draws the attention of the Court to the post mortem report.

It appears from the post mortem report that, there was a 'non-continuous ligature mark' on the neck of the deceased suggesting that the death being suicidal in nature.

Considering the period of detention of the petitioner and considering the fact that there is hardly any possibility of the trial commencing any time soon, we grant bail to the petitioner.

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

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner automatically without reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

