

25.03.2022
cm/ct 28
sl no. 45

C.R.M.(DB) 824 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda P.S Case No. 404 of 2021 dated 11.08.2021 under Sections 341/506/34 of the Indian Penal Code & Section 8 of the POCSO Act.

And

Allowed

In Re : Nishikanta Mandal

..... petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick

..... for the petitioner

Mr. Tanmay Kr. Ghosh
Mr. Arindam Sen

..... for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner i.e., 39 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Special Court, POCSO Act, Malda on condition that the petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM(DB) 824 of 2022 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)