

21.06.2022
Sl. No.17
akd
[PARTLY
ALLOWED]

C. R. M. (DB) 1384 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.05.2022 in connection with Santipur Police Station Case No. 186 of 2022 dated 05.03.2022 under Sections 376/506/34/376D/363/366 of the Indian Penal Code.

And

In Re: ***Madhusudhan Ghosh & Anr.***

... .. Petitioners

Mr. Subit Majumder
Mr. Debasish Ghosh
Mr. Santanu Singha
Mr. Suranjan Mandal

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor
Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioners they are in custody for about 106 days. It is further submitted investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits the victim girl was kidnapped and forced to marry petitioner no.2 who suffers from mental retardation. Initially, she was induced to make an exonerative statement before the Magistrate. Subsequently, she has made a more elaborate statement implicating the petitioners.

We have considered the materials on record including the statements of the victim girl. Petitioners were known to the family of the victim girl. Taking advantage of the social proximity, victim girl was kidnapped and forcibly married to petitioner no.2 who appears to suffer from mental retardation. Thereafter, she was sexually exploited by petitioner no.1 who even proposed to sell her.

Having considered the aforesaid materials on record we are of the opinion there is ample material against petitioner no.1 in sexually exploiting the victim girl under the ruse of marriage to his mentally retarded son i.e. petitioner no.2 herein. Hence, we are not inclined in granting bail to the petitioner no.1 namely, **(1) Madhusudhan Ghosh** at this stage.

However, in view of the fact petitioner no.2 suffers from mental retardation and was used as a ploy by his father to ensnare the victim girl into marriage and sexual exploitation, we are of the opinion further detention of the accused/petitioner no.2 is not necessary.

Therefore, the accused/petitioner no.2 namely **(1) Arnab Ghosh**, 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 Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioner no.2 shall appear before the trial court on every date of hearing until further orders 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 for bail is thus disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)