

14.06.2022
tkm/ct 28
sl no. 69

C.R.M. (DB) 1707 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhimpur P.S case no. 360 of 2021 dated 29.12.2021 under sections 363/305/34 IPC and section 8 of the POCSO Act

And

Allowed

In Re : Lipton Ghosh petitioner

Mr. S Majumder
..... for the petitioner

Ms. Z N Khan
Mr. Ashok Das
..... for the State

Leave is given to amend the cause title.

Petitioner is in custody for 155 days. It is contended that there was a love affair between the parties. But marriage could not be fructified due to opposition from family members. Subsequently, victim committed suicide. No suicide note was left behind by the victim. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that petitioner refused to marry the victim girl. Out of depression, she committed suicide.

We have considered materials on record. Statements of witnesses show there was a love affair between the parties. Whether the marriage between the parties could not be fructified due to opposition from parents or otherwise requires to be assessed in the course of trial.

Under such circumstances and bearing in mind the period of detention suffered by the petitioner and as investigation is complete, 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 Judge, Special Court, under POCSO Act, Nadia 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) 1707 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)