

14.07.2022
Sl. No.21
akd
[ALLOWED]

C. R. M. (DB) 2295 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.07.2022 in connection with Hingalgunj Police Station Case No. 65 of 2022 dated 20.04.2022 under Sections 363/365/376/366 of the Indian Penal Code read with Section 4 of the POCSO Act and Section 6 of the Child Marriage Act.

And

In Re: ***Biplab Mandal***

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat-ul-Firdous
Ms. Titni Mazumder

... .. for the petitioner

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted investigation is complete and victim has been recovered.

Learned advocate appearing for the State opposes the prayer for bail and submits victim was a minor and petitioner forcibly married her.

We have considered the materials on record including the statement of the victim girl. Keeping in mind the nature of allegations and as victim has been recovered and investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Biplab Mandal***, 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 Judge, Special Court under the POCSO Act, Basirhat, North 24-Parganas subject to condition

that the said petitioner 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 or commit similar offences in future.

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, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)