

30.08.2022.
05.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2572 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 305/34 of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Shaktipada Ghosh @ Lonthon & Anr.
.... Petitioners.

Mr. Prabir Majumder.
...for the Petitioners.

Mr. S. S. Imam,
Mr. R. Jana.
...for the State.

Petitioners are parents of the co-accused who had a love affair with the minor girl. It is contended they opposed the marriage as the victim was a minor.

Learned Advocate for the State opposes the prayer for bail. He submits petitioners had refused the marriage proposal due to difference in caste. Subsequently, victim committed suicide.

We have considered the materials on record including the statement of the father of the victim. Though the said witness claimed petitioners had refused the marriage proposal due to caste differences, there is nothing on record to show the statement was made in presence of the victim girl or that they incited her to commit suicide. In this factual backdrop whether the conduct of the petitioners would constitute abetment to suicide requires to be assessed during trial.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioners and as investigation is complete, we are inclined to grant bail to them.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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, Krishnanagar, Nadia subject to condition that they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)