

23.11.2022
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allowed

CRM(DB) No. 4091 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar Police Station Case No. 674 of 2017 dated 13.09.2017 under Section 4 of the POCSO Act.

And

In Re : Ritam Mandal petitioner

Mr. Kalidas Saha
.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 119 days. It is also submitted that there was a love affair between the parties. As marriage could not fructify, victim committed suicide. Petitioner has been released on bail in the criminal case registered for abetment of suicide. He prays for bail in the present case.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner has been released on bail in the case registered for abetment of suicide of the victim. Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Malda, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)