

06.12.2022
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 4292 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 29.11.2022 in connection with Golabari Police Station Case No. 576 of 2013 dated 31.07.2013 under Sections 341/326/307/376/511/302 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: ***Kundan Mallick @ Mamu @ Manu***

... .. Petitioner

Mr. Dev Kumar Sharma

... .. for the petitioner

Mr. Rudradipta Nandy .. Id. Addl. Public Prosecutor

Mrs. Sonali Das

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than nine years. It is further submitted co-accused viz. Tinku Kumar Singh has been enlarged on bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Though allegations are grave, petitioner is in custody for a considerable period of time. There is hardly any progress in the matter. Co-accused viz. Tinku Kumar Singh has been enlarged on bail. Under such circumstances, petitioner deserves similar treatment and may be enlarged on bail on the ground of breach of his fundamental right to speedy trial.

Therefore, the accused/petitioner, namely ***Kundan Mallick @ Mamu @ Manu***, 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 Chief Judicial Magistrate, Howrah 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.

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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)