

20.12.2022
tkm/ct 28
sl no. 53

C.R.M. (DB) 4479 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Habibpur P.S case no. 348 of 2022 dated 3.11.2022 under sections 363/323 IPC read with sections 9 and 10 of the Prohibition of Child Marriage Act and added section 4 of the POCSO Act

And

Allowed

In Re : Sahadeb Mallik @ Sahadeb Mollik & Ors.

..... petitioners

Mr. Kalidas Saha

..... for the petitioners

Mr. Shiladitya Banerjee

..... for the State

Petitioners are in custody for 47 days. They pray for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Petitioner no. 3 had kidnapped the victim girl.

In view of the principal role played by the said petitioner, we are not inclined to grant bail to him.

However keeping in mind the extent of complicity of the other petitioners in the crime, we are inclined to grant bail to them.

Accordingly, the petitioner nos. 1 and 2 viz. Sahadeb Mallik @ Sahadeb Mollik and Indra Mallik @ Indra Mollik 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 Additional District Judge 2nd Court (Special Court), Malda on condition that the petitioner nos. 1 and 2 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel thier bail automatically without reference to this court.

The application being CRM (DB) 4479 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)