

22.12.2022  
Sl. No.34  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4519 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 16.12.2022 in connection with Kaliachak Police Station Case No.166 of 2016 dated 25.03.2016 under Sections 363/366(A)/376 of the Indian Penal Code read with Sections 4/8/12 of the POCSO Act.

And

In Re: ***Ranjit Mandal @ Sujan***

... .. Petitioner

Mr. Mrityunjoy Chatterjee  
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Ranabir Roy Chowdhury  
Mr. Sandip Chakraborty  
Mr. Mainak Gupta

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for more than six months. It is further submitted victim girl has not attended the court to depose on a number of occasions.

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

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. After rejection of bail, victim failed to turn up on two occasions. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Ranjit Mandal @ Sujan***, 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-cum-Additional District Judge, 2<sup>nd</sup> Court, Malda 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.)**