

08.07.2022
Court No.1
SL No.21
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(DB) 234 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tufanganj P.S. Case No. 906 of 2021 dated 25.12.2021 under Sections 448/376(I)/506 of the Indian Penal Code.

And

In the matter of: **Gobinda Mali @ Haradhan**

....petitioner.

Mr. Subhasish Misra

...For the petitioner.

Mr. Ujjwal Luksom

Mr. Biswarup Roy

...For the State.

Learned advocate for the petitioner submits that the petitioner is in custody for about 6 months 13 days and the investigation is over and charge sheet has been filed.

Learned counsel for the State draws the attention of the Court to the statement of the victim girl recorded under Section 164 of the CrPC and the medical reports. The State opposes the prayer for bail on the ground that the victim girl is physically challenged.

Having considered the submissions made on behalf of the parties as well as the contents of the case diary and keeping in mind the period of detention of the petitioner and the nature of gravity of the offence involved, we are inclined to grant bail to the petitioner.

Let the petitioner be released on bail upon furnishing a Bond of Rs.5,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned ACJM, Tufanganj subject to the condition under Section 437(3) of the CrPC and on further condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being CRM(DB) 234 of 2022 is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)