

01.05.2023.
30.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1632 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bauria P. S. Case No.169 of 2019 dated 18.10.2019 under Sections 376(i)/354D(1)(ii)/506 of the Indian Penal Code and under Section 6 of the POCSO Act and Sections 67/67A/67B of the Information Technology Act, 2000.

In the matter of : Ritwick Kumar Maity @ Rittick
Kumar Maity.

.... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Mr. Biswajit Manna,
Mr. S. Basu Roy Chowdhuri.

...for the Petitioner.

Mr. Nguive Ahmed, Id. A.P.P.,
Mr. Asif Dewan.

...for the State.

Petitioner is in custody for more than three years. He submits supplementary charge sheet implicating one Supriya Mondal @ Mamoni has been submitted. Prosecution case is that the said accused had filmed and uploaded the obscene video. Under such change in circumstances, he renews his bail prayer.

Learned Additional Public Prosecutor opposes the bail prayer. He submits petitioner with aid and assistance of others had cohabited with a minor He had indulged in similar activity with other girls too. Vulnerable witness has not been examined.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on the premise that he had uploaded the obscene video and blackmailed the minor. During

further investigation, role of co-accused viz., Supriya Mondal @ Mamoni came to light. She appears to have filmed and uploaded the video.

In view of such change in circumstances and the protracted period of detention suffered by the petitioner, we are of the opinion petitioner may be released on bail subject to strict conditions.

Accordingly, the petitioner viz., Ritwick Kumar Maity @ Rittick Kumar Maity 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 the POCSO Act-cum-learned Additional Sessions Judge, 1st Court, Uluberia, Howrah subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the district of Howrah except for the purpose of attending Court proceeding till the vulnerable witnesses are examined and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)