

08.05.2023
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 1634 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2023 in connection with Malda Police Station Case No.126 of 2023 dated 09.03.2023 under Sections 341/342/325/354B/506/509/34 of the Indian Penal Code read with Section 8 of the POCSO Act.

And

In Re: ***Ranjan Saha & Ors.***

... .. Petitioners

Mr. Kazi Mokhlasur Rahaman

... .. for the petitioners

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioners that they are in custody for about 60 days. It is further submitted there was a dispute over collection of subscription. Allegation of sexual assault is false. Accordingly, they pray for bail.

Learned Advocate for the State opposes the prayer for bail.

Inspite of notice, nobody appears for the minor victim.

We have considered the materials on record. Dispute arose between the parties over collection of subscription. Possibility of exaggeration due to such enmity cannot be ruled out. No injury report is placed on record. Under such circumstances and in view of the period of detention suffered by the petitioners, we are of the opinion further detention of the petitioners is not necessary.

Therefore, the petitioners, namely ***(1) Ranjan Saha, (2) Mantu Saha & (3) Dhananjay Saha***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)