

30.08.2023
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 3199 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.08.2023 in connection with Bamangola Police Station Case No.191 of 2022 dated 29.07.2022 under Section 363 of the Indian Penal Code and subsequently charge sheet submitted under Section 4 of the POCSO Act.

And

In Re: ***Chandan Mandal***

... .. Petitioner

Mr. Rana Mukhopadhyay
Mr. Riddhiman Mukherjee

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 230 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Inspite of notice, nobody appears for the victim.
4. Statement of the victim has been recorded.
5. We have considered the materials on record. It appears that the evidence of the victim shows she was with the petitioner for seven days in the house of a MLA. The said MLA has neither been interrogated nor has he been cited as an accused. Vulnerable witness has already been examined. 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.
6. Therefore, the accused/petitioner, namely ***Chandan Mandal***, 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, 2nd 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.

7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)