

06.10.2023
Sl. No.17
akd
[ALLOWED]

C. R. M. (DB) 3684 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.09.2023 in connection with New Town Police Station Case No.462 of 2019 dated 08.11.2019 under Sections 4/6 of the POCSO Act.

And

In Re: ***Mangaldeep Bagdi***

... .. Petitioner

Mr. Biplab Roy
Ms. Rashmi Roy

... .. for the petitioner

Mr. Bitasok Banerjee

... .. for the de-facto complainant

Mr. Binay Panda
Mr. Subham Bhakat

... .. for the State

1. Heard the learned Advocates appearing for the respective parties.
2. We have considered the materials on record. In the statement recorded before Magistrate the victim claimed that she had been raped by the petitioner and had become pregnant. She delivered a minor child but the DNA profile report of the child shows petitioner is not his biological father. In view of the aforesaid dichotomy, we are of the opinion further detention of the accused/petitioner is not necessary.
3. Therefore, the accused/petitioner, namely ***Mangaldeep Bagdi***, 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 Chief Judicial Magistrate, North 24-Parganas at Barasat 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.

4. 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.
5. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)