

01.12.2023.
29.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4176 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tarakeswar P.S. Case No.130 of 2020 dated 22.09.2020 under Sections 417/419/202/376(2)(n)/306/506 of the Indian Penal Code read with Sections 6/12 of the POCSO Act.

In the matter of : **Amiya Ghosh.**

.... Petitioner.

Mr. Arindam Jana,
Mr. Akashdeep Mukherjee,
Mr. Animesh Bhattacharya,
Mr. Soumyadeep Nag,
Mr. Arhan Sengupta.

...for the Petitioner.

Mr. Shiladitya Banerjee.

...for the State.

1. Petitioner is in custody for more than three years. He contends allegations of abetment to suicide are not disclosed in the facts of the case. There is delay in trial. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits report. He contends victim was a minor. Petitioner suppressed his marital status and cohabited with her. She committed suicide.
3. We have considered the materials on record. Statements of witnesses and other materials show there was free mixing between the parties. In view of continued association between the two, it is a matter to be adjudged upon evidence whether it is probable that the victim was unaware of the marital status of the petitioner. No objectionable picture of the victim has been recovered from the petitioner. He is in custody for more than

three years. There is little possibility of trial concluding in the near future. There is no chance of abscondence.

4. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and may be enlarged on bail.

5. Accordingly, the petitioner viz., **Amiya Ghosh** 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 Additional Chief Judicial Magistrate, Chandernagore, Hooghly 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)