

10.05.2024
Sl. No.16
akd
[ALLOWED]

C. R. M. (DB) 1323 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.04.2024 in connection with Hanskhali Police Station Case No.327 of 2022 dated 10.04.2022 which has been re-registered as CBI Case No. RC 0562022S0011 dated 13.04.2022 under Sections 376D/302/201/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re: **Angshuman Bagchi**

... .. Petitioner

Mr. Arindam Jana
Mr. Asraf Mandal
Md. Bani Israil

... .. for the petitioner

Mr. Gouranga Kumar Das
Mr. Somnath Adhikary

... .. for the CBI

1. It is submitted on behalf of the petitioner that he is in custody for about 667 days. It is further submitted petitioner has not been charged with criminal conspiracy to commit gang rape and murder. He has only been charged with criminal conspiracy to screen offenders by proposing that the dead body of the victim be cremated. Prosecution proposes to examine 75 witnesses. There is little possibility of trial concluding in the near future. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the CBI opposes the prayer for bail and submits the case involves brutal rape and murder of a minor child. Soyal Gayali @ Brojo, Prabhakar Poddar and Ranjit Mallick seduced the child to come to the house of Soyal where she was brutally raped. As a result, she died. Thereafter petitioner had a meeting with co-accused and other villagers. He insisted that the body of the

victim be cremated to destroy evidence. Twelve witnesses have been examined. Trial is in progress.

4. We have considered the materials on record. Petitioner is not accused of criminal conspiracy to commit rape and murder. He is an accessory after the crime. Prosecution alleges in order to screen offenders petitioner directed the body to be cremated and not buried. As a result, vital evidence came to be destroyed. Trial is in progress. Twelve witnesses have been examined till date. Petitioner is in custody for about 667 days. Offences, if proved, would not attract substantive sentence beyond seven years rigorous imprisonment. There is little possibility of trial concluding in the near future.
5. Keeping in mind the extent of complicity of the petitioner in the crime and the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
6. Therefore, the accused/petitioner, namely **Angshuman Bagchi**, be released on bail upon furnishing 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 & Sessions Judge, Ranaghat, Nadia 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 and on further condition that the petitioner, while on bail, shall not enter the district of Nadia except for the purpose of investigation and/or attending court proceedings and shall provide the address where he shall presently reside to the Office of the DIG, CBI, SCB, at Salt Lake, Sector-I, CGO Complex, Kolkata as well as the trial court until further orders. Prior to his

release, he shall deposit his passport, if any, with the trial Court. He shall not indulge in any dilatory tactics including deferment of cross-examination of witnesses present.

7. In the event he does so and/or fails to appear before the trial court without any 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)