

20.
25-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2746 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhutni Police Station Case No.198 of 2022 dated 26-09-2022 under Sections 363/365 of the Indian Penal Code and subsequently adding Section 4 of the Protection Of Children from Sexual Offences Act.

- A n d -

In the matter of : Dipak Mandal @ Dipua

.... Petitioner.

Mr. Sekhar Kumar Basu, Sr. Adv.,
Mr. Diptangshu Basu,
Ms. Suchismita Dutta,
Ms. P. Singh

... For the Petitioner.

Mr. Suman De,
Mr. Subham Kanti Bhakat

... For the State.

Mr. Md. Wasim Akram

... For the defacto complainant.

Dictated by Arijit Banerjee, J.

The petitioner says that he has been falsely implicated. He is in custody for 541 days. Only two out of thirteen witnesses have been examined. There is no certainty as to when the trial would conclude. On the ground of delay in trial as also on merits, he prays for bail.

Learned advocates for the State and the defacto complainant oppose the prayer for bail. They draw our attention to the deposition of the victim girl, who has already been examined along with the defacto complainant.

Although the deposition of the victim girl prima facie implicates the petitioner, the contents are inconsistent with

the contents of the First Information Report that was lodged. Further, the medical examination report is inconclusive.

Considering that the vulnerable witnesses have been examined and the petitioner is in custody for a lengthy period of time, we do not see any necessity of detaining the petitioner in custody any further.

Accordingly, we direct that the petitioner, namely, **Dipak Mandal @ Dipua**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Special Judge, Additional District Judge-II, Malda. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Bhutni Police Station except for the purposes of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station and shall inform, through his learned advocate, the learned trial Court and Officer-in-Charge/Inspector-in-Charge of Bhutni Police Station his current local address where he shall be residing while on bail. The petitioner shall report to the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station once in a week, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2746 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)