

12.11.2024

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Allowed

C.R.M. (DB) No. 3512 of 2024

In Re:- An application for bail under Section 483 of BNSS in connection with CBI Case No. RC0562022S0011 dated 13.04.2022 arising out of Hanskhali Police Station Case No. 327 of 2022 dated 10.04.2022 under Sections 376D/302/201/34 of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Dipta Gayali petitioner

Mr. Sayan De

Mr. Kaustav Shome

.... for the petitioner

Mr. Amajit De

.... for the CBI

1. Learned Counsel for the petitioner submits he is in custody for over two and half years. Co-accused Angshuman Bagchi has been enlarged on bail. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Vital witnesses viz. mother, father and cousin of the deceased have been examined. No role has been attributed to the petitioner in respect of gang rape and murder. His role essentially revolves around threats held out to the family not to register criminal case. In such view of the extent of complicity of the petitioner in the crime and the protracted period of detention suffered by him, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct the petitioner 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 Judge, Special Court under the POCSO Act-cum-Additional District & Sessions Judge, Ranaghat, Nadia, subject to condition that 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.

5. In the event 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

