

18.09.2020
Court No. 19
Item No.22
(D/L)
abhar/bdatta

CRM 6858 of 2020
in
CRAN 1 of 2020
(Via Video Conference)

(allowed) In Re: An application for Bail under Section 439 of the Code of Criminal Procedure in connection with Narkeldanga P. S. Case No. 185 of 2020 dated 13.07.2020 under Sections 341/323 of the Indian Penal Code and Sections 75 of the Juvenile Justice (Care and Protection of Children) Act and adding Section 12 of the POCSO Act and Section 509 of the Indian Penal Code.
and

In the matter of: Somnath Paral & Ors.

..... Petitioner

Mr. Tanmay Chowdhury.

.....for the Petitioner

Ms. Sukanya Bhattacharya.
Md. Kutubuddin.

..... for the State

The learned advocate for the petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up.

The application being CRAN 1 of 2020 is accordingly disposed of.

The learned advocate for the petitioner submits that the petitioners are not named in the FIR but subsequent to the statement of the victim, they have been taken into custody, although the principal accused is on interim bail. The learned advocate further submits that the nature of the allegations do not warrant the petitioners' further detention in custody.

The learned advocate appearing for the State opposes the prayer for bail and draws the attention of this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

We have perused the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and on

analyzing the same in the background of the facts of the present case, we are of the opinion that further detention of the petitioners are not necessary for the investigation of the case. Accordingly, the prayer for bail is allowed.

The petitioners, namely, Somnath Paral, Suresh Hari and Basudev Banerjee @ Bapi shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Sealdah, South 24 Parganas.

We find from the memo of evidence so submitted by the investigating officer of this case that the name of the petitioner no. 1 is 'Somnath Paral', which has been wrongly typed in the cause title as 'Somnath Parol'. The petitioner no. 1 may be treated as one and the same person.

The application for bail being CRM 6858 of 2020 is allowed.

(Tirthankar Ghosh, J)

(Harish Tandon, J.)