

21.10.2020.
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(Allowed)

**C.R.M. 8456 of 2020
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhutni P. S. Case No.42 of 2020 dated 15.04.2020 under Section 6 of the POCSO Act.

In the matter of : Jotish Mahato @ Jotish Mahata @
Jotish Singha.
.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Soumya Nag. ...for the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu. ...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that the co-accused has been enlarged on bail. He is in custody for about 186 days.

Learned Advocate appearing for the State opposes the prayer for bail.

Having considered the materials on record and keeping in mind the facts and circumstances of the case and as co-accused Mahabir Mandal has been enlarged on bail, we are inclined to extend the same privilege to the petitioner subject to strict condition.

Accordingly, 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 Additional District Judge, 2nd Court, Special Court, Malda subject to condition that the 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 he shall not enter the jurisdiction of Malda P. S. until further orders except for attending the Court proceedings and shall provide the address where he shall presently reside to the investigating officer as well as the court below and shall meet the Officer-in-charge of concerned Police Station where he shall presently reside once in a week until further orders.

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.

The application, being C.R.M.8456 of 2020, is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Abhijit Gangopadhyay,J.)

(Joymalya Bagchi, J.)