

01.12.2020
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sdas
Allowed

C.R.M. 9139 of 2020
with
CRAN 1 of 2020
(via video conferencing)

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kolaghat Police Station Case No. 204 of 2019 dated 16.06.2019 under Sections 448/354B of the Indian Penal Code read with Section 8 of the POCSO Act but charge was framed under Sections 450/376AB of the Indian Penal Code and Section 6 of the POCSO Act.

And

In Re : Monaj Jana @ Manoj Jana @ Kalia petitioner

Mr. Suman De
Mr. D. Ghorai

.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen

....for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Accordingly, application being CRAN 1 of 2020 is disposed of.

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 500 days. It is also submitted that vulnerable witness has already been examined.

Learned Counsel appearing for the State opposes the prayer for bail and submits that minor was raped by the petitioner.

We have considered the materials on record. Allegations are no doubt grave. Balancing of gravity of the allegation against protracted period of detention suffered by the petitioner and as the vulnerable witness has already been examined, we are of the view that petitioner may be granted bail, however, subject to strict conditions.

Accordingly we direct that 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 POCSO Act, Purba Medinipur on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further condition that while on bail the petitioner shall not leave the jurisdiction of Kolaghat Police Station until further orders except for attending Court proceeding and shall meet the investigating officer once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)