

27.11.2020.
Item No. 11
(Allowed)
agm

(Via Video Conference)

C.R.M. 9362 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Panchla P.S. Case No. 223 of 2020 dated 19.09.2020 under Section 376B of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act;

And

In the matter of : **Santosh Manna.**

... petitioner.

Mr. Dev Kumar Sharma.

...For the petitioner.

Mr. Saswata Gopal Sharma, Ld. P.P.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioner submits that the petitioner has been motivatedly implicated in the instant case because of the property disputed and is languishing in jail since 19th September, 2020. It is further submitted that the petitioner is an octogenarian, have no role to play in the said offence, which is an outcome of the refusal to sell his property.

The learned Advocate for the State opposes the prayer for bail. He relies upon the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure and also the statement of the mother of the said victim girl. According to her, serious offence has been

committed and, therefore, no leniency should be shown to the petitioner.

After perusing the case diary relied upon by the learned advocate for the State and upon hearing the submissions made at the bar by the respective counsels and the fact that the charge sheet has already been filed and further fact that the petitioner is an octogenarian, we do not think, the custodial interrogation of the petitioner is required.

Accordingly, the petitioner, namely, **Santosh Manna**, shall be released on bail upon furnishing a Bond of Rs. 10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Howrah, subject to the condition that the petitioner shall attend the case on each day of listing. The failure to appear on a single date without any plausible reasons shall disentitle the petitioner the privilege of the bail granted by this Court in this order and it shall be open to the learned Sessions Judge to pass an appropriate order without any further reference to the Court.

The application being CRM 9362 of 2020 is **allowed**.

(Hiranmay Bhattacharyya, J.)

(Harish Tandon, J.)