

27.09.2021

CRM 4691 of 2021

**Court No.28
Item No.18
(Allowed)**

Akd

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Shantiniketan Police Station Case No. 66 of 2021 dated 04.05.2021 under Sections 341/506/34 of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences Act and adding Section 376 of the Indian Penal Code and adding Section 6 of Protection of Children from Sexual Offences Act;

And

In the matter of : **Jagannath Mahato**

...Petitioner.

Mr. Sujoy Sarkar.

...For the Petitioner.

Mr. S. G. Mukherjee, Ld. P.P.,

Ms. Faria Hossain,

Ms. Sonali Das.

...For the State.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Shantiniketan Police Station Case No. 66 of 2021 dated 04.05.2021 under Sections 341/506/34 of the Indian Penal Code and Sections 8/12 of the Protection of Children from Sexual Offences Act and adding Section 376 of the Indian Penal Code and adding Section 6 of Protection of Children from Sexual Offences Act.

The petitioner is in custody for nearly 145 days in connection with the aforementioned case. It is submitted by the learned Advocate for the petitioner that he has been entangled in the aforesaid case being the friend of the principal accused, though there is no element of commission of offence on his part.

The State opposes the prayer for bail and submits that the role of the petitioner has been disclosed by the victim minor girl in her statement recorded under Section 164 of the Code of Criminal Procedure.

After hearing the respective submissions and on perusal of the materials available in the case diary including the statement of the minor victim girl recorded under Section 164 of the Code of Criminal Procedure, we find that the principal accused, in the commission of

offence is Robin Gupta. Though the petitioner was present at the time of occurrence of sexual assault inflicted upon the minor victim girl, but there is no active role attributable to the petitioner in this regard.

In view of the above, we find that further custody of the petitioner is not required.

Hence the prayer for bail is allowed.

Accordingly, the petitioner **Jagannath Mahato**, shall be released on bail upon furnishing a bond of Rs.10,000 /- (Rupees Ten Thousand), 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, Bolpur, Birbhum, subject to the condition that the petitioner shall make himself available on each day of listing of the matter before the Court and the default on any solitary occasion without any justifiable cause may disentitle him to the privilege of bail granted by this Court without further reference to this Court.

The application for bail being **CRM 4691 of 2021** is thus **disposed of**.

(Harish Tandon, J)

(Bibek Chaudhuri, J.)