

27.01.2022
Serial no. 120
Aloke
Ct. No. 29

(Through Video Conference)

CRM (DB) 10 of 2022

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2022 in connection with Mallarpur P.S. Case No. 229 of 2021 dated 09.11.2021 under Sections 376AB/506 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : Ganesh Mehena

... ..Petitioner

Mr. Prosenjit Mukherjee, Advocate

... .. For the Petitioner

Mr. Binay Panda, Advocate

Mr. Subham Bhakat, Advocate

... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 70 days. He submits that the incident is alleged to be on September 19, 2021 and complaint lodged on November 2021. He draws the attention of the medical reports and submits that no case under Section 6 of the POCSO Act, 2012 or Section 376AB of the Indian Penal Code can be sustained therefrom.

Learned Advocate appearing for the State draws the attention to the statements recorded under Section 164 of the Code of Criminal Procedure of the Victim and to the medical report.

Prima facie, it appears that the statement recorded under Section 164 of the Code of Criminal Procedure of the victim is not corroborated by the medical reports.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet

and considering the materials in the case diary, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (POCSO), Rampurhat, Birbhum, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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 the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail is allowed.

CRM (DB) 10 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)