

28.01.2022
Serial no. 107
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(Through Video Conference)

CRM (DB) 91 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Para** Police Station Case No. **120 of 2021** dated **25.08.2021** under **Section 6** of POCSO Act.

-And-

In the matter of : Janmenjoy Mahato Petitioner

Mr. Soumik Ganguli
Mr. Dilip Kumar Sadhu
Mr. Sourat Nandy
Mr. Sayan Roy
... .. For the Petitioner

Mr. Tanmay Kumar Ghosh
Mr. Arindam Sen
... ..For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that out of the accused persons, one was granted bail. He submits that considering the medical report, the statements recorded under Section 164 of the Code of Criminal Procedure and the period of detention of the petitioner, prayer for bail should be granted to the petitioner.

Learned advocate appearing for the State submits that the petitioner does not stand in the same footing as that of the co-accused who was granted bail. He draws attention of the court to the medical report of the victim and the statements recorded under Section 164 of the Code of Criminal Procedure of the victim and the statement recorded under section 161 of the Code of Criminal

Procedure is of one of the witnesses, a neighbour. In response to the reply of the Court, learned advocate for the State submits that Police filed charge sheet.

Considering the medical report of the victim and considering the date of incident and considering the date when the medical examination took place and the fact that the police submitted charge sheet and considering the statements recorded under Sections 164 of the Criminal Procedure Code of the victim and 161 of the Code of Criminal Procedure of the neighbour, 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 Additional Sessions Judge, Raghunathpur, Purulia subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further order and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the learned 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.

Prayer for bail is **allowed**.

CRM (DB) 91 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)