

49 24.02.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 538 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Pathar Pratima** P.S. Case No. **127 of 2019** dated **29/05/2019** under Sections **363/365/376(2)(n)** and under Section **6** of Protection of Children from Sexual Offences Act, 2012, corresponding to Special POCSO Case No.66/2021.

And

In the matter of: Ganesh Jana @ Mantu

....petitioner.

Mr. Kalyan Kumar Bhattacharjee
Mr. Kaushik Dey

...for the petitioner.

Mr. Zareen N. Khan
Mr. Arup Sarkar

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner is in custody for 92 days.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In a statement recorded under Section 164 of the Code of Criminal Procedure, the victim states that she left voluntarily with the petitioner. They lived as husband and wife and that there is a baby born out of their wedlock.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and in view of the fact that the child born requires a father, we deem it appropriate to grant bail to the petitioner.

Accordingly, the petitioner 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 under POCSO Act, Kakdwip, South 24 Parganas subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (DB) 538 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)