

15.03.2022

Sl. 51
Court No.29
suvayan
(Allowed)

C.R.M. (DB) 566 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.02.2022 in connection with **Kulti** P.S. Case No. **387/21 of 2021** dated **05/08/2021** under Sections **3/4/5** of the Immoral Traffic (Prevention) Act, 1956 and Section **4/6** of the POCSO Act, 2012 and Sections **366A/366B/370/370A/373/120B** of the Indian Penal Code.

And

In the matter of: Parmeswar Jha @ Parmeshwar Jha

....petitioner

Mr. Sandipan Ganguly

Mr. Surya Prasad Chattopadhyay

Mr. Arjun Samanta

Ms. Tanya Sankar

Mr. Ankit Chatterjee

...for the petitioner.

Mr. Neguive Ahmed

Ms. Trina Mitra

...for the State.

Report as called for by the order dated March 1, 2022 filed in Court be taken on record.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He refers to the ossification report of the victim. He submits that the age of the victim is between 17 to 19 years as appearing from such report. In the statement of the victim recorded under Section 164 of the Code Criminal Procedure she did not implicate the petitioner. The evidence of the victim is over with the victim being declared as hostile.

Learned Additional Public Prosecutor submits that the petitioner was found in the room of the victim indulging his offences *inter alia* under the Immoral Traffic (Prevention) Act, 1956.

Considering the period of detention of the petitioner and considering the fact that the evidence of the victim is over where the victim did not implicate the petitioner and in fact the victim was

declared as hostile, we 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, Asansol subject to the condition that during bail the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and the petitioner 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.

Accordingly, the prayer for bail of the petitioner is allowed.

CRM (DB) 566 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)