

05.05.2022

Serial no. 57

[Dd]

(Bail **allowed**)

CRM (DB) 1175 of 2022

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with Special Case No. **26** of **2021** arising out of **Penro** Police Station Case No. **58** of **2021** dated **24th Day of May, 2021** under Sections **376(1)/506** of the Indian Penal Code read with section **4** of the Protection of Children from Sexual Offences Act, 2012. Charge sheet no. **41 of 2021** dated **16th Day of July, 2021** under Sections **376(1) /506** of the Indian Penal Code, read with Section **6** of the Protection of Children from Sexual Offences Act, 2012.

-And-

**In the matter of : Jamadar Khan @ Eyadiya Jamadar
Khan @ Yaiya Jamadar Khan**

... .. Petitioner

*Mr. Kaustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar, Advocates*

... .. For the Petitioner

*Mr. Prasun Kr. Dutta, Id. APP
Mr. Subrato Roy, Advocates*

... ...For the State

Leave is granted to the learned advocate for the petitioner to correct the mistake in paragraph 10 of the petition.

DNA test report submitted in Court be taken on record.

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for 347 days. The DNA test that was taken is negative.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary and in particular, DNA test report.

The DNA test report dated September 30, 2021 states that the petitioner is not the biological father.

Considering the materials in the case diary and in particular the DNA report dated September 30, 2021 and considering the period of detention of the petitioner, 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 under POCSO Act, Uluberia, Howrah** 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 of the petitioner is **allowed**.

CRM (DB) 1175 of 2022 is **disposed of**.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)