

26.05.2022
Court No.05
Item No. 22
D.C/AM

C.R.M. (DB) No.1350 of 2022

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Dhantala Police Station Case No.226 of 2022 dated 15.04.2022 under Sections 306/376(2)(i)/302/34 of the Indian Penal Code and Section 6 of POCSO Act, 2012;

And

In Re : Malay Kumar Sannyasi

Petitioner

Mr. Anjan Bhattacharya,
Ms. Anita Shaw

For the Petitioner

Mr. Neguive Ahmed,
Mrs. Manasi Roy

For the State

Learned counsel for the petitioner contends that it is not found clearly from the complaint, lodged in the present case, as to whether the petitioner was involved in any manner in the alleged offence.

That apart, it is submitted that, merely on the basis of assumption of the complainant, the petitioner was arrested.

It is contended by learned counsel for the State that even if the complaint does not disclose any specific case against the petitioner, it can always come up in the investigation as to the specific part played by the petitioner in the offence committed.

That apart, it is submitted that the *post mortem* reports in the present case are varying with each other and the available materials are not sufficient for the time being to make adequate submissions on behalf of the State.

Moreover, it is submitted that the petitioner is in custody only for 45 days.

However, upon considering the materials on record, we do not find any specific complaint having been lodged to indicate any role of the petitioner in the alleged offence. That apart, it is an admitted position that there is discrepancy between the materials, including the *post mortem* reports, which could have been the best evidence against the accused persons.

In such view of the matter, we are of the opinion that the benefit of bail ought to be granted to the petitioner.

Accordingly, CRM (DB) 1350 of 2022 is allowed, thereby releasing the petitioner on bail on condition that the petitioner furnishes a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing the facts to any police officer or the Court and/or tamper with evidence in any manner whatsoever.

Moreover, the petitioner shall not enter into the territorial jurisdiction of Dhantala Police Station, except for the purpose of attending the investigation, if called upon by the Investigating Officer to do so.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)