

08.02.2022

Court No.32
rpan/05

CRM 7982 of 2021

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re.: **Bhim Hembram**

- Petitioner

Mr. Manas Kumar Das (through v.c.),
Mr. Siddhartha Sarkar
... for the Petitioner

Mr. Arijit Ganguly,
Ms. Sujata Das
... for the State.

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Garhbeta Police Station Case no.434 of 2021 dated 15.10.2021 under Section 363 of the Indian Penal Code, 1860 and adding Section 366 of the Indian Penal Code, 1860.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner had a relationship with the victim girl. She went missing on and from 7th October, 2021. In connection with such alleged offence, the petitioner was arrested on 28th October, 2021. The victim girl is presently residing with the petitioner's cousin sister at Jhargram. However, no steps have been taken by the investigating officer to recover the victim. The petitioner has absolutely no involvement in the alleged offence and he is languishing in custody for 103 days. Upon completion of investigation charge sheet has also been submitted and in view thereof, the petitioner may be enlarged on bail on any stringent condition.

Ms. Das, learned advocate appearing for the State opposes the petitioner's prayer and submits that the CDR would clearly reveal that the petitioner is in contact with the victim girl and as such, his involvement in the alleged offence cannot be ruled out.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, from the statement of the petitioner, as recorded under Section 161 of the Code, it appears that he had categorically stated that the victim was residing with his cousin sister at Jhargram and that he is ready and willing to extend all cooperation for recovery of the victim. However, it appears that appropriate steps have not been taken by the prosecuting agency to recover the victim girl. The statements of the relatives of the victim, *prima facie*, do not implicate the petitioner. Considering the nature of accusations, the period of detention already suffered by the petitioner and the possible extent of his complicity in the alleged offence, we are of the opinion that his further detention is not warranted, more so when, upon completion of investigation, charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Bhim Hembram**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Garhbeta, Paschim Medinipur.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall

not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

With the aforesaid observations, the application for bail, being CRM 7982 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J)