

12.06.2023

Sl. 11

Court No.29

Suvayan

(Allowed)

C.R.M. (DB) 1484 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kharagpur (Local)** P. S. Case No. **48 of 2019** dated **22.01.2019** under Sections **302/201/377** of the IPC, 1860 read with Section **6** of the POCSO Act, 2012.

And

In the matter of: **Milan Mudi @ Laba**

....petitioner

Mr. Amit Ranjan Pati

Mr. sunayan Ghosh

...for the petitioner.

Mr. Rudradipta Nandy, APP

Ms. Sonali Das

Ms. Sreeparna Das

...for the State.

1. Heard the learned Counsel for both the parties.
2. The petitioner is implicated in offence punishable under Sections 302/201/377 IPC read with Section 6 of POCSO Act.
3. The victim who is alleged to have died a homicidal death is stated to be a minor boy.
4. It is fairly submitted at the Bar that the case is based on circumstantial evidence and the circumstance is that the petitioner and the victim were last seen together in a garden before the incident. Very next day the dead body of the deceased was found in an abandoned place.
5. It is fairly submitted that there is no record of past criminal antecedent against the petitioner.
6. Considered the materials placed by learned Counsel for the parties, including the statement of the witnesses recorded under Sections 161 and 164 Cr.P.C.
7. Regard being had to the facts and submissions in the case, factum of permanent residence of the petitioner, completion of investigation in the meantime and the nature of evidence, it is

directed that the petitioner shall be released on bail by the learned Additional Sessions Judge, 2nd Court, Paschim Medinipur in POCSO case No. 9 of 2019 arising out of Kharagpur (Local) P.S. case No. 48 of 2019 on such terms and conditions as deemed just and proper in the facts and circumstances of the present case including the condition that: i) the petitioner shall appear before the Trial Court on each date of substantive hearing subject to provision of Section 317 Cr.P.C.; ii) the petitioner shall not leave the jurisdiction of the court during pendency of the trial without leave of the Trial Court; iii) the petitioner shall not threaten, induce or coerce any of the witness remained to be examined in the trial.

8. Accordingly, the prayer for bail of the petitioner is allowed.
9. CRM (DB) 1484 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)