

27-04-2023
Item no.01
bail allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction
Appellate Side

CRM (SB) 71 of 2023

Manik Jana

-vs-

The State of West Bengal & Anr.

In Re: An application for bail under Section 439 of the code of Criminal Procedure, 1973 filed on 10th April, 2023 in connection with Dholahat Police Station Case No. 116 of 2022 dated 22.03.2022 under Sections 10 of the Protection of Children from Sexual Offences Act, 2012.

Mr. Gobinda Chandra Baidya

Mr. Gobinda Baidya

...for the petitioner.

Mr. Aniket Mitra

Ms. Nandini Chatterjee

... for the Opposite party no.2/complainant.

Petitioner was arrested on 22nd March, 2022. Learned advocate for the petitioner submits that the present petitioner is in custody for more than 13 months and till date only one witness has been examined and that is the victim girl.

Learned advocate for the opposite party no. 2 opposes the prayer for bail of the present petitioner and submits that the version of the victim girl has been corroborated both in S.164 Cr.P.C statement as well as the deposition in court.

I have considered the nature of the evidence and the factum of deposition, but having regard to the number of witnesses prosecution have cited and has examined till date, the period of detention assumes importance. The petitioner should be released on bail. As such, the prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail by

furnishing a bond of Rs.10,000/-(Rupees ten thousand only) with two sureties of like amount each, one of whom must be local, subject to the satisfaction of the learned special court.

If on bail, the petitioner shall stay outside the jurisdiction of Dholahat Police Station and shall attend the court on each and every date so fixed.

The petitioner shall enter the jurisdiction of Dholahat Police Station only for the purposes of attending the Inspector-in-charge/Officer-in-charge, Dholahat Police Station once in a week till the trial is over. An acknowledgement may be obtained from the Inspector-in-Charge, Dholahat Police Station or any officer entrusted by him.

With the aforesaid observations, the present application for bail being CRM(SB) No. 71 of 2023 is disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

[Tirthankar Ghosh, J]

