

03.10.2023.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3793 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sutamata P.S. Case No.300 of 2021 dated 27.09.2021 under Sections 376(2)(n) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : **Mahadeb Manna.**

.... Petitioner.

Mr. Chinmay Adhikary.

...for the Petitioner.

Mr. Joydeep Roy, Jr. Govt. Adv.,
Ms. Sujata Das.

...for the State.

1. In spite of service, nobody appears for the victim.
2. Learned Advocate for petitioner submits DNA report shows petitioner is not the father of the child born to the minor girl. He prays for bail.
3. Learned Advocate for the State opposes the bail prayer.
4. We have considered the materials on record. Minor victim deposed that she had been raped by the petitioner. As a result, she became pregnant but DNA report shows he is not the father of the child.
5. In view of the aforesaid dichotomy and the period of detention suffered by the petitioner i.e. for over two years, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., **Mahadeb Manna** 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 local, to the satisfaction of the learned Additional Sessions Judge-

cum-Judge, Special Court under the POCSO Act, Purba Medinipur at Haldia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

7. 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 his bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)