

24.06.2024
Item no.07.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1572 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 09.05.2024 in connection with Jhalda Police Station Case No. 38 of 2024 dated 25.02.2024 under Sections 6/17 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Nimai Mahato.Petitioner.

Mr. Sourav Chatterjee,
Mr. Sougata Mitra,
Mr. Pawan Gupta,
Ms. Sofia Nesar,
Mr. Santanu Sett,
Ms. Soma Chakraborty,
.....for the Petitioner.
Ms. Amita Gour,
Ms. Rita Datta,for the State.

The petitioner was named in the First Information Report but was not named by the survivor girl in her statement recorded under Section 164 Cr.P.C., although she had named the petitioner in her statement recorded earlier under Section 161 Cr.P.C. A friend of the survivor girl, has recorded his statement under Section 164 Cr.P.C. where he mentions the petitioner. He is not an eye-witness of the alleged incident.

Considering the fact that the probative value of a statement recorded under Section 164 Cr.P.C. is much greater than the statement of the same person recorded under Section 161 Cr.P.C. and the fact that charge-sheet has been filed upon

completion of investigation and the petitioner is in custody for 120 days and he is not the principal accused, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner namely **Nimai Mahato** 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 Judge, Special Court under Protection of Children from Sexual Offences Act, Purulia and on further conditions that he shall remain within the jurisdiction of the concerned police station.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)