

29.08.2024
Item no.32.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2440 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Barabazar Police Station Case No. 74 of 2023** dated **18.05.2023** under **Sections 363/365/323/506/109** of the Indian Penal Code and under **Section 6** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Bishnupada Mahato @ Bishnu Mahato.

.....Petitioner.

Mr. Sourav Chatterjee,
Mr. Pawan Kr. Gupta,
Mr. Sougata Mitra,
Mr. Nikhil Kr. Gupta,
Mr. Subhadeep Maitra,for the Petitioner.

Ms. Faria Hossain,
Ms. Sana Naaz,for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records. Nobody, however, appears for the de facto complainant/victim.
2. The petitioner says that there was a love affair between him and the victim girl who was about 17 years of age at the time of the alleged incident. They eloped and got married. He is in custody for 1 year and 2 months. Charge was framed in August 2023. Two schedules for examination of witnesses were fixed. But till date, not a single witness has been

examined. There are 12 charge-sheet named witnesses. He prays for bail.

3. While opposing the prayer for bail, learned advocate for the State draws our attention to the relevant material in the case diary.
4. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. She clearly says that there was a love affair between her and the petitioner and that they eloped and got married.
5. In view of the aforesaid and also seeing that there is no possibility of an early conclusion of the trial, witness action not having begun till date, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely **Bishnupada Mahato @ Bishnu 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 POCSO Act), Purulia and on further conditions that he shall not enter the district of Purulia except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.

7. 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 in any manner whatsoever.
8. 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.
9. The application for bail is, accordingly, allowed.
10. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)