

24  
25-09-2024  
(ct. no.28)  
KOLE  
Allowed

## CRM (DB) 2825 of 2024

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Chhatna Police Station Case No. 90 of 2019** dated **22.10.2019** under Sections **376(2)(i)(j)/376(D)/328** of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

- A n d -

**In the matter of : Bhupendra Soren**

.... Petitioner.

Mr. Pravas Bhattacharyya,  
Mr. Arup Kundu,

... For the Petitioner.

Mr. Debasish Roy,  
Mr. Arijit Ganguly,  
Mr. Koushik Kundu,

... For the State.

### Order dictated by Arijit Banerjee, J.:

1. The petitioner claims parity citing an order dated August 16, 2024, whereby a Coordinate Bench, in CRM (DB) 1897 of 2024 enlarged a co-accused person on bail on the ground of inordinate delay in progress of trial. The petitioner says that he stands on the same footing as that person in so far as the issue of delay is concerned. He is in custody for close to five years.

2. Learned Advocate for the State, while opposing the bail prayer in his usual fairness does not dispute that the petitioner and Sukhendu Saren @ Sukhen who was enlarged on bail by the order dated August 16, 2024, are similarly circumstanced in so far as the issue of delay in trial is concerned.

3. Hence, on the ground of parity and delay in trial, we allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Bhupendra Soren**, 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), Bankura subject to condition that he shall appear before the trial court on each and every date of substantive hearing subject to the provisions of Section 317 Cr. P.C. and shall not intimidate witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

5. 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.

6. The application for bail is, accordingly, allowed.

7. 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. )**