

CRM (DB) 3140 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)/376(2)(j)/376(D)/328** of the Indian Penal Code and Sections 4/6 of the POCSO Act.

- A n d -

In the matter of : Chotelal Soren @ Chotulal Soren

.... Petitioner.

Ms. Sweta Yadav,
Mr. Sourav Bhattacharyya,
Mr. D. Banerjee,

... For the Petitioner.

Mr. Joydeep Roy,
Ms. Rita Dutta,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State in court today be kept with the records. In spite of service nobody appears for the defacto complainant/victim.
2. The petitioner says that he is in custody for more than five years. He cites an order dated August 16, 2024, passed in CRM (DB) 1897 of 2024, whereby a co-accused person was enlarged on bail on the ground of he being in custody for four years and nine months and there being inadequate progress in the trial. The petitioner says that he stands on the same footing or better footing than that person in so far as the period of custodial detention is concerned.
3. Learned Advocate for the State while opposing the bail prayer, in his usual fairness, does not dispute that this petitioner stands on a better footing than the other accused person who was enlarged on bail on the ground of delay.

4. Hence, on the ground of parity, we enlarge the petitioner on bail.

5. Accordingly, we direct that the petitioner, namely, **Chotelal Soren @ Chotulal 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 Special Judge under the POCSO Act, Bankura subject to condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr. P. C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

6. 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.

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

8. 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.)