

44.
04-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3482 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jamuria Police Station Case No.236 of 2021 dated 18-06-2021 under Sections 363/365/376D/506/120(B) of the Indian Penal Code.

- A n d -

In the matter of : Manish Yadav

.... Petitioner.

Mr. Ayan Bhattacharya, Sr. Adv.,
Mr. Kunal Ganguly

... For the Petitioner.

Mr. Debabrata Chatterjee,
Ms. Pallavi Priyadarshee

... For the State.

Dictated by Arijit Banerjee, J.

1. Service Report filed by the State be kept with the records. In spite of service, nobody appears on behalf of the defacto complainant/victim.

2. Read order dated November 26, 2024. As recorded therein, only 2 out of 27 witnesses have been examined. The petitioner is in custody for 3 years and 3 months. The victim and her mother have both been declared hostile as witnesses. This has made a significant dent in the prosecution case.

3. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.

4. Accordingly, we direct that the petitioner, namely, **Manish Yadav**, shall be released on bail upon furnishing a

bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Asansol. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in a week, until further orders.

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

6. The application for bail is, thus, **allowed**.

7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

8. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)