

CRM (DB) 4229 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 **Jhargram Police Station** Case No. **11 of 2024** dated **06.02.2024** under Sections **376** of the Indian Penal Code and Section 6 of the POCSO Act.

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In the matter of : Chunaram Hansda

.... Petitioner.

Mr. Abdur Rakib,
Mr. J. Sarkar,

... For the Petitioner.

Mr. Bibaswan Bhattacharyya,
Mr. Asif Dewan,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed in Court today be kept with the records.
2. In spite of service none appears for the defacto complainant/victim.
3. The petitioner says that he has been falsely implicated. He is in custody for 312 days. The victim girl has already been examined. She, in her deposition recorded before the learned Trial Court has deviated from her statement recorded under Section 164 of the Criminal Procedure Code. DNA profile could not be matched. He prays for bail.
4. While opposing the bail prayer, learned State Advocate draws our attention to the deposition of the victim girl as well as her statement recorded under Section 164 of the Code.
5. *Prima facie* there appears to be anomalies and inconsistencies. Further, DNA could not be matched because the sample that was collected from the foetus of the dead child that was given birth to by the victim girl was inadequate.

6. On an overall assessment of the materials on record and considering the period of detention of the petitioner in judicial custody, we are of the view that further detention of the petitioner is not necessary.

7. Accordingly, we direct that the petitioner, namely, **Chunaram Hansda**, 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, Jhargram subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter within the jurisdiction of district Jhargram except for the purpose of attending court proceeding and shall meet the I.C. of the concerned police station where he will reside once every fortnight until further orders.

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.**)