

25.09.2020

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CRM 6335 of 2020
CRAN 1 of 2020
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Siliguri P.S. Case No.1016 of 2020 dated 05.08.2020 under Sections 363/365/448/323/509/376/511/34 of the Indian Penal Code.

And

In the matter of: **Raj Kumar Paswan @ Gujjan.**

....Petitioner.

Mr. Shibaji Kumar Das

...for the Petitioner.

Mr. K. Acharya

Mr. S. Bhattacharyya

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the statement of alleged survivor recorded under Section 164 of the Code, as revealed in course of the bail petition of another co-accused, does not refer to any abduction or kidnapping of the alleged survivor by the present petitioner or any other person. The petitioner says that in the light of such statement, the entire edifice of the present case falls.

The relevant statement has been placed on behalf of the State. It makes out a case of an attempt to rape the mother of the alleged survivor, but, prima facie, does not appear to allege that this petitioner kidnapped or abducted the alleged survivor. In the light of the material available, the further detention of the petitioner is not warranted.

The petitioner will be enlarged on bail upon furnishing security of Rs.20,000/- (Rupees Twenty Thousand only) together with two sureties of equal amount, one of whom must be local, to the satisfaction of the appropriate court in Darjeeling. The petitioner will report to the investigating officer as and when called till the investigation is completed. Since an insinuation has made that the petitioner may be involved in the drugs racket, the police authorities will keep a close eye on the petitioner in connection with his possible nexus with the drugs trade.

CRM 6335 of 2020 and the interim application are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)