

16.09.2020
Item no. 26
Ct.23
CHC
Allowed

C.R.M. No.6671 of 2020
C.R.A.N.1 of 2020
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection Habra Police Station Case No. 251 of 2020 dated 1st June, 2020 under Sections 376D/506/34 of the Indian Penal Code.

And

In the matter of:-

Sayan Mondal @ Shayan Mondal

... Petitioner

Mr. Surajit Basu

.. for the petitioner

Mr. Imran Ali,
Mrs. Manasi Roy

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Having regard to the statement recorded under Section 164 Cr.P.C. and the victim's own statement in the written complaint lodged with the police not corroborating each other, we do not justify further custodial interrogation of the accused/petitioner. More so, in this case it has been brought to our notice that three months after the incident written complaint was lodged by the victim stating that she was ravished by two persons where as in

the statement recorded under Section 164 Cr.P.C. on 1st June, 2020 it was specifically mentioned that 2/3 persons “misbehaved” with her and such contradiction being noticed we are inclined to grant bail to the petitioner.

We, therefore, direct petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Barasat, North 24 Parganas and on condition that he shall not tamper with evidence and/or intimidate the witnesses.

It is further directed that the petitioner shall not enter the jurisdiction of Habra Police Station.

With these observations, CRM 6671 of 2020 and CRAN 1 of 2020 are disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Kausik Chanda, J.)

(Sahidullah Munshi, J.)

