

22.09.2020

ssd

CRM 6900 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 Kharibari P.S. Case No.305 of 2019 dated 23.10.2019 under Sections 376 of the Indian Penal Code.

And

In the matter of: **Prantusto Sarkar.**

....Petitioner.

Mr. Debajit Kundu

...for the Petitioner.

Mr. Aditi Sankar Chakraborty

Mr. Tapan Bhattacharyya

...for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours 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 petitioner is in custody for more than 200 days following a complaint, but the medical test conducted on the alleged survivor on the morning following the incident did not reveal any injury or forceful penetration.

It is the petitioner's further case that he had an affair with the survivor. Though the statement of the survivor recorded under Section 164 of the Code is otherwise, there may not be any immediate need to detain the petitioner since the charge-sheet has already been filed.

The petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- (Rupees Ten 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 not attempt to contact the survivor and the petitioner will attend every date fixed for trial. In the event of any unexplained absence, the trial court will be entitled to cancel the bail without reference to this court.

CRM 6900 of 2020 and CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)