

15.10.2020

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CRM 7306 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara P.S. Case No.895 of 2020 dated 22.08.2020 under Sections 493/376 of the Indian Penal Code.

And

In the matter of: Dipak Paul

....Petitioner.

Ms. Madhushri Dutta

...for the Petitioner.

Mr. A. S. Chakraborty

...for the State.

It is contended on behalf of the petitioner that he is in custody for fifty days. There was a love affair between the parties.

Learned lawyer for the State opposes the prayer for bail and submits that progress report relating to the investigation has been sent by E-mail to the Registrar General of the High Court. He submits investigation is in progress.

We have considered the materials on record and bearing in mind the facts and circumstances of the case particularly the fact that the statement of the victim girl has already been recorded under Section 164 of the Criminal Procedure Code and in view of the submission that there was long standing amorous relation between the parties, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, to the

satisfaction of the learned Additional Sessions Judge, 1st Court, at Siliguri subject to condition that the petitioner shall appear before the 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.

In the event the petitioner fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

CRM 7306 of 2020 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this Court.

(Subhasis Dasgupta, J.)

(Joymalya Bagchi, J.)