

116 21.10.2020
rkd Ct. no.03
(Allowed)

C.R.M. 8501 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Golabari** P.S. Case No. **515 of 2018** dated **01/09/2018** under Sections **370/376/120B** of the Indian Penal Code.

And

In the matter of: Pradeep Kumar Singh

....petitioner.

Mr. N. K. Mishra

...for the petitioner.

Mr. S. Banerjee,
Ms. P. Ghosh

...for the State.

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

Petitioner is in custody for 750 days. It is further submitted that vulnerable witness i.e. the victim has already been examined. Trial cannot be concluded due to the prevailing pandemic conditions.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that the petitioner hails from a different State and had lured the victim to a place where she was ravished.

We have considered the materials on record. Although the allegations are grave, vulnerable witness has already been examined and there is little possibility of the trial concluding in the near future. It is relevant to note that petitioner is in custody

for a considerable period of time. In view of the aforesaid facts, we are inclined to grant bail to the petitioner, however, subject to the strict conditions.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 50,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Second Court, Howrah subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that he shall not leave the jurisdiction of Golabari P.S. until further orders and shall provide the address where he shall presently reside to the Investigating Agency as well as to the court below and shall meet the Officer-in-charge of the Golabari Police Station once in a week until further orders.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Abhijit Gangopadhyay, J.)

(Joymalya Bagchi, J.)