

20.11.2020.

Item No. 15

ap

**C.R.M. 9115 of 2020
(via video conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.11.2020 in connection with Dinhata Women Police Station Case No. 57 of 2020 dated 29.07.2020 under Sections 448/376/506 of the Indian Penal Code.

And

In the matter of: Prasan Barman @ Prasenjit. ...Petitioner

Mr. Ankit Agarwal,
Mr. Debajit Kundu. ...For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharya.For the State

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

The petitioner claims that since the charge-sheet has already been filed, there is no need for him to be detained any further.

The matter pertains to a complaint that the petitioner had trespassed into the house of the survivor and raped her.

The State has relied on the statement of the survivor under Section 164 of the Code of Criminal Procedure. The statement is clear and, prima facie, makes out a case against the petitioner herein.

However, it does not appear that the release of the petitioner on bail may prejudice the survivor or have an adverse impact at the trial.

The petitioner will be enlarged on bail upon furnishing security 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 appropriate court in Dinhata.

The petitioner will not attempt to contact the survivor till the completion of the trial. The petitioner must attend every date fixed for trial and any unexplained absence will entitle the trial court to cancel the bail without reference to this Court.

CRM 9115 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)