

14.07.2021

Court No.28
Item No.8

Akd/Ab

CRM 1804 of 2021
(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed on 09.02.2021 in connection with Kaliganj Police Station Case No. 556 of 2020 dated 01.12.2020 under Sections 363/365/120B of the Indian Penal Code;

And

In the matter of : **Somnath Ghosh.**

...Petitioner

Mr. Prabir Majumder.

...For the Petitioner

Mr. Nirupam Dhali.

... For the State

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 556 of 2020 under Sections 363/365/120B of the Indian Penal Code.

Learned Advocate for the petitioner submits that the petitioner has been falsely implicated in this case out of a love relationship with the victim, who has already been recovered. It is further submitted that the petitioner has been languishing in custody for 199 days and in the meantime charge-sheet has been submitted. Thus, according to the petitioner, with the submission of charge-sheet, further detention would be unnecessary.

Learned Advocate for the State is fair enough to draw our attention to the statement recorded under Section 164 of the Code of Criminal Procedure.

Having considered the submissions of both sides and bearing in mind the love relationship between the petitioner and the victim together with the insufficient materials disclosed in the statement of the victim, which is not supportive of further detention of the

petitioner, we are of the view that further detention would be an unnecessary exercise.

The prayer for bail of the petitioner is considered and allowed.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Krishnanagar, Nadia, subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further reference to this Court.

The application for bail, being CRM 1804 of 2021, is thus **allowed.**

(Harish Tandon, J)

(Subhasis Dasgupta,J.)