

16.08.2021
Item no.24.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2076 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.02.2021 in connection with Pursurah Police Station Case No.177 of 2020 Dated 28.10.2020 under Sections 376(2)(n)/354(C)/384/506/509/34 of the Indian Penal Code

And

In the matter of : Sk. Rejaul Haque @ Rejaul Haque

.....Petitioner.

Mr. N. S. Ghosh,
Ms. S. Mukherjeefor the Petitioner.

Mr. Rana Mukherjee, Ld. APP,
Ms. Sujata Das,
Ms. Debjani Sahufor the State.

The allegation against the petitioner is, inter alia, under Sections 376(2)(n)/354(C)/384 of the Penal Code.

The petitioner submits that he has been falsely implicated. Charge sheet has been submitted. The mobile phone of the petitioner has been seized by the Investigating Agency and no photograph, as referred to in the complaint was found therefrom.

The State refers to the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and other material.

We have considered the material in the case diary. Charge sheet has been submitted upon completion of investigation. The petitioner is in custody for 293 days.

Having considered the material available in the case diary, period of detention of the petitioner and also as charge sheet has been submitted, we are inclined to hold that further detention of the petitioner may not be necessary and he may be granted bail, however, on stringent conditions.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, and on further conditions that the petitioner shall not enter the jurisdiction of Pursurah Police Station except for attending Court proceedings and shall provide the address where he shall presently reside to the Officer-in-Charge of the concerned police station. The petitioner shall also meet the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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 fails to adhere to any of the conditions stipulated above without justifiable cause, the trial

court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)