

26.07.2021
tkm/ct 32
sl no. 54

C.R.M. 3632 of 2021
(via video conference)

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taherpur P.S Case no. 218 of 2020 dated 30.12.2020 under sections 448/376/511/325/34 of the IPC
And

Allowed

In Re : Sri Rana Sarkar petitioner

Mr. Pawan Kr. Gupta
Mr. V Verma

..... for the petitioner

Mr. Tanmoy Kr. Ghosh
Ms. Sima BLiswas

..... for the State

Leave is granted to correct the cause title.

The charge against the petitioner is under sections 448/376/511/325/34 of the IPC. It is alleged that the petitioner, who is a neighbour of the complainant, entered the house of the complainant and misbehaved with her, molested her and attempted to commit rape on her.

Learned lawyer for the petitioner says that the petitioner has been framed. It is an outcome of a dispute between the neighbours. The complaint was filed 15 days after the alleged incident and that too, through an application under section 156(3) of the Cr.P.C. The victim has refused to subject herself to medical emanation. The petitioner has been in custody for 209 days. It is also submitted that charge sheet has been submitted. There could be no useful purpose for detaining the petitioner any further.

Learned lawyer for the State produces the case diary which we have perused. It is not in dispute that the victim has refused

medical examination. It is also admitted that the complaint was filed 15 days after the alleged incident.

Having considered the material on record and the nature and gravity of the offence alleged and the extent of complicity of the petitioner in the commission of the alleged crime, we are of the opinion that further custodial detention of the petitioner may not be necessary and he may be granted bail.

Accordingly, the petitioner 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 CJM, Nadia at Ranaghat on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall not commit similar offence in future. He shall report to the Officer-in-Charge of the local police station once every fortnight.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail without reference to this court.

The application being CRM 3632 of 2021 is disposed of.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)