

21.09.2021

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Ct. No. 29
sdas
Allowed

**C.R.M. 3637 of 2021
(Via Video Conference)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur Police Station Case No. 42 of 2021 dated 05.03.2021 under Sections 363/326/302/34 of the Indian Penal Code.

And

In Re : Rajib Das petitioner

Mrs. Karabi Roy

.....for the petitioner

Mr. P. K. Datta, learned A.P.P.

Mr. Santanu Deb Roy

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of one hundred days. She also submits that the police submitted charge-sheet and, therefore, further detention of the petitioner is not required. She further submits that the petitioner is not on the same footing as that of the principal accused and other co-accused persons.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Considering the materials available in the case diary and considering the fact that charge-sheet was submitted and considering the statements recorded under Section 164 of the Code of Criminal Procedure and considering the fact that the

petitioner is not on the same footing as that of the other co-accused persons, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall be released on bail upon furnishing a bond 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 learned Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the condition that 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 appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel bail of the petitioner automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)