

77. 29.07.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4038 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **10.06.2021** in connection with **Gazole Police Station Case No. 417/2020** dated **15.09.2020** under Sections **448/376/323/506** of the Indian Penal Code.

And

In the matter of: - **Chiranjit Sarkar @ Cheru**

....petitioner.

Mr. Suman De

...for the petitioner.

Ms. Zareen N. Khan,
Ms. Sreeparna Das

...for the State.

The petitioner is charged with commission of offences punishable under Sections 448/376/323/506 of the Indian Penal Code.

The Prosecution case is that when the husband of the victim was not at home, the petitioner went to their house and committed rape on the victim.

The petitioner says, he has been falsely implicated. The allegation is a fallout of political rivalry.

We have seen the material in the Case Diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. We have seen the medical report also.

Charge-sheet has been filed. Upon consideration of the material in the Case Diary and the facts and circumstances of the case, we are of the view that further custodial detention of the petitioner is not necessary.

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 learned Chief Judicial Magistrate, Malda on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in a fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

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 being C.R.M. 4038 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)