

91. 09.08.2021
Ct.32
Tanmoy
Allowed

C.R.M. 4058 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **11/06/2021** in connection with **Chapra Police Station Case No. 159 of 2021** dated **13/04/2021** under Section **376** of the Indian Penal Code.

And

In the matter of: - **Sudeb Kundu @ Sudev Kundu**

....petitioner.

Mr. Arindam Jana,
Ms. Shreyashee Biswas,
Mr. Sumanta Das

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. A.P.P.,
Mrs. Manasi Roy

...for the State.

The allegation is that the victim lady went to the medical shop of the petitioner to buy medicine. There, the petitioner assaulted her and committed rape on her.

Learned Advocate for the petitioner submits that this is a totally false complaint. There are other disputes between the parties which have prompted filing of the present complaint. The petitioner has also filed complaint against the victim's husband.

We have considered the material in the Case Diary and we have seen the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. The victim lady has also declined medical examination. Charge-sheet has already been filed.

On an overall assessment of the material on record and the nature and gravity of the offence that the petitioner has been

charged with, we are inclined to allow the petitioner's prayer for bail.

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 Chief Judicial Magistrate, Nadia, 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 every 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. 4058 of 2021 is, accordingly, **allowed**.

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.)