

CRM 4673 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No.67 of 2021 dated 14-01-2021 under Sections 417/376/448/325/406/420/506/34 of the Indian Penal Code.

- A n d -

In the matter of : Atiur Rahaman

.... Petitioner.

Dr. Chapales Bandyopadhyay,
Ms. Anandamayee Dutta,
Ms. Gargy Basu,
Mr. Azizul Islam

... For the Petitioner.

Mr. Bidyut Kumar Roy,
Ms. Rita Datta,
Mrs. Kumkum Mitra

... For the State.

Various sections of the Indian Penal Code have been pressed into service against the petitioner including Sections 376, 325 and 420.

The petitioner says that he has been falsely implicated. He is not involved in the alleged offence in any manner at all. Charge Sheet has been submitted. He is in custody for about eight months. There is no possibility of early commencement or conclusion of the trial.

We have seen the material in the Case Diary including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. The kind of allegation in such statement would *prima facie* indicate that the victim lady would have suffered some injury. From the injury report, we find that no injury was detected by the examining medical officer.

On an overall assessment of the material on record, considering the detention of the petitioner for eight months

and the fact that Charge Sheet has been submitted, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Atiur Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Howrah. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the concerned Officer-in-Charge once in every fortnight until further orders.

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 bail in accordance with law without further reference to this Court.

The application for bail being CRM 4673 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**