

29.09.2021
tkm/ct 29
sl no. 124

C.R.M. 5384 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S case no. 477/2019 dated 6.8.2019 under sections 376/511 of the IPC
And

Allowed

In Re : Bapi Singha petitioner

Mr. Sourav Chatterjee
Mr. S Dasgupta

..... for the petitioner

Mr. T K Ghosh
Ms. Sima Biswas

..... for the State

Petitioner seeks bail.

Learned advocate for the petitioner draws attention of this Court to the contents of the FIR and the order of the jurisdictional court. Police submitted charge sheet. He submits that initially, the FIR complains of attempt to rape. Charge sheet was submitted for rape. The charges framed, was attempt to rape. He draws attention of this Court to the order passed by the jurisdictional court from which it appears that the mental health of the victim girl was in question and the jurisdictional court took measure with regard thereto. He submits that considering the period of detention of the petitioner i.e 780 days without any possibility of trial being concluded expeditiously, the court should grant bail.

Learned lawyer for the State draws attention of this Court to the statement of the victim girl recorded under section 164 Cr.P.C.

Considering the period of detention of the petitioner and considering the fact that the jurisdictional court proceed with

regard to the victim girl, we are inclined to grant bail to the petitioner.

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, Malda on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 automatically without reference to this court.

The application being CRM 5384 of 2021 is disposed of.

(Ananda Kumar Mukherjee, J.)

(Debangsu Basak, J.)