

20.12.2021.
93.
as
(Allowed)

C.R.M. 5531 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Arambagh Women P. S. Case No.34 of 2021 dated 20.05.2021 under Sections 376(2)(n)/417/506/420/406/34 of the Indian Penal Code.

In the matter of : Sudip Patra @ Babu.

.... Petitioner.

Mr. Niladri Sekhar Ghosh.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that he is in custody for about 208 days. It is further submitted the allegations levelled against him are out and out false. Falsity of such case would be evident from the fact that father of the de-facto complainant had lodged an earlier complaint being Khanakul P. S. Case No.315 of 2020 dated 06.12.2020 wherein the victim had made exonerative statement.

In view of the aforesaid submission made on behalf of the petitioner, we had called for the case diary in Khanakul P.S. Case No.315 of 2020 dated 06.12.2020. Learned Lawyer for the State produces the said case diary including the statement of the victim girl recorded therein on 14.12.2020 and opposes the

prayer for bail. The said statement is exonerative in nature. Credibility of the allegations in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure in the present case requires to be assessed in the light of the aforesaid factors during trial.

However, in the aforesaid factual matrix particularly self-contradictory statements of the victim recorded in the two cases, we are of the opinion petitioner may be granted bail.

Accordingly, 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly subject to 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application, being C.R.M.5531 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)

