

29.11.2021
Court No.32
Item No. 19
Krishnendu
Bail Granted

**CRM 5749 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : **Samarpan Sharma**

Petitioner

Mr. Sabir Ahmed

Mr. Amal Kumar Banerjee

For the Petitioner

Mr. Aniket Mitra

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Mayureswar Police Station Case No. 104 of 2020 dated August 6, 2020 under sections 376(1)/417/323 of the Indian Penal Code.

Mr. Ahmed, learned advocate appearing for the petitioner submits that the petitioner is the neighbour of the victim girl. There was love relationship between them. Upon completion of investigation, charge sheet has been submitted and as such further detention of the petitioner, who is in custody for about one year, is not necessary.

Mr. Mitra, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the statement of the victim girl, as recorded under section 164 of the Code of Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that the petitioner, namely, **Samarpan Sharma.**, shall be released on bail upon furnishing a bond of `10,000/- with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum on conditions that the petitioner shall attend the learned trial court on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.5749 of 2021, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)