

29.11.2021  
Court No.32  
Item No. 39  
Avijit Mitra

CRM 6257 of 2021

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

And

**In Re : Sumanta Chatterjee @ Chattapadhyay**  
- Petitioner

Ms. Pampa Dey (Dhabal),  
Mr. Krishna Deo Das

For the Petitioner

Ms. Faria Hossain,  
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 Sonamukhi Police Station Case No. 26 of 2021 dated 28.01.2021 under sections 376/323 of the Indian Penal Code.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in a complaint lodged by a married lady. Upon completion of investigation chargesheet has already been submitted and as such, further detention of the petitioner, who is in custody for about 300 days, 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 nature of allegations, the period of detention and the extent of the complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the present case. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sumanta Chatterjee @ Chattopadhyay**, 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 a local, to the satisfaction of the learned Additional Sessions Judge, Bishnupur, Bankura with a further condition that he shall not enter the jurisdiction of Sonamukhi Police Station and shall intimate the address where he would be residing to the Inspector-in-Charge, Sonamukhi Police Station immediately. The petitioner shall also attend the learned trial court on all the dates, as specified for hearing.

The petitioner shall not intimidate the witnesses and/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 petitioner's bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM No.6257 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.)**