

CRM No.6412 of 2021

Via video conference

01.12.21

(S.R.)

Sl.15

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Hanskhali** Police Station Case No.388 of 2018 dated 07/06/2021 under Sections 376/120(B) of the Indian Penal Code;

And

In re: Rajib Maitra

... petitioner.

Mr. Sanyan De
Mr. Kaustuv Shome
Mr. Sayan Kanjilal

... for the petitioner.

Mr. Tanmoy Kr. Ghosh
Mr. Arabinda Manna

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in an incident which occurred on 5th March, 2021. The petitioner married the victim girl and the complaint had been lodged about three months after the alleged incident. He further submits that the petitioner himself accompanied the victim girl to the concerned hospital for treatment on 5th March, 2021 itself. In the said conspectus, it would appear that the petitioner had been roped in merely on the basis of suspicion. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 6 months is not warranted in the facts and circumstances.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the medical reports dated 5th March, 2021, 25th March, 2021 and 8th June, 2021.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

From the statement of the victim lady as recorded under Section

164 of the Code, it appears that the incident occurred on 5th March, 2021. The contemporaneous medical report dated 5th March, 2021 speaks of consensual sex and in the said conspectus, possibility of implication of the petitioner on the basis of suspicion cannot be totally ruled out. The petitioner has already suffered incarceration for about 6 months and charges are yet to be framed.

In view thereof, we are of the opinion that further custodial detention of the petitioner is not warranted in the facts and circumstances of the case.

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, Ranaghat, Nadia. The petitioner shall also attend the learned trial court on all the dates, as specified for hearing.

It is further directed that the petitioner 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 petitioner's bail without any further reference to this Court.

The application for bail being CRM No.6412 of 2021 is, accordingly, 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.)

