

29-11-2021
Subrata
Item no.502
allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

CRM No.7375 of 2021
Milan Roy
-vs-
The State of West Bengal

In Re: Application under **section 439 CrPC** in connection with Gazole P. S. Case No. 9 of 2021 arising out of G.R. Case No.2294 of 2020 dated June 4, 2020 under section 376(D) IPC and in custody from June 6 2020.

Mr. Kallol Mondal
Mr. Musharraf AlmSk.
Mr. Krishan Roy
Ms. Amrita Chel
Mr. Souvik Das
Mr. A. Banerjee

...for the petitioner

Mr. Md. Anwar Hossain
Ms. Sreyashee Biswas

... for the State

The petitioner renews the prayer for bail.

Learned advocate for the petitioner submits that the earlier prayer for bail was rejected on pre-commencement of trial. He submits that the petitioner is in custody for about 535 days. He draws the attention of this court to the examination of the de facto complainant and of the victim. He submits that from the last evidence of the persons, name of the petitioner does not transpire therefrom.

Learned advocate for the State draws the attention of this court to the contents of the case diary produced before us.

The trial in the present case commenced with the evidences of the de facto complainant being the mother of the victim and the victim being recorded. According to the mother of the victim, one Moyra Murmu raped her daughter. The victim submits that one Santhal boy

raped her.

Considering such evidence and considering the period of detention and considering the fact that the petitioner is not named in any of the prosecution witnesses, we grant the petitioner bail.

The petitioner shall be released on bail upon furnishing security of Rs.10,000/- (Rupees ten thousand) with two sureties of like amount to the satisfaction of Additional Sessions Judge, 1st Court, Malda. The petitioner, if released, shall attend on every date fixed for trial; and in the event of failing to do so, the trial court shall be at liberty to cancel the bail of the petitioner without any reference to this court.

CRM No.7375 of 2021 is thus disposed of.

[Debangsu Basak, J]

[Bibhas Ranjan De, J]