

09.03.2021

Court No.28

Avijit / 18

CRM 10919 of 2020 (Via video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Kotulpur Police Station Case No.101 of 2020 dated 05.10.2020 under Sections 376/323/506/34 of the Indian Penal Code;

And

In Re : Saday Kumar Dey

- Petitioner

Mr. Niladri Sekhar Ghosh,

Ms. Srimoyee Mukherjee

for the petitioner

Mr. S.G. Mukherjee, Id. P.P.,

Mr. P.K. Dutta,

Mr. Santanu Deb Roy

for the State.

The learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded. He has been falsely implicated by the *de facto* complainant. Upon completion of investigation chargesheet has also been filed and as such, further detention of the petitioner, who is in custody for about 156 days, is not warranted.

Mr. Mukherjee, learned Public Prosecutor appearing for the State opposes the petitioner's prayer and has drawn our attention to the medical report, the injury report and the statement of the victim lady as recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials in the case diary as well as the medical report and the injury certificate. *Prima facie*, the allegations levelled by the *de facto* complainant do not stand supported through the contents of the medical reports.

Considering the nature of allegations and the period of detention, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that the petitioner, namely, **Saday Kumar Dey**, shall be released on interim bail upon furnishing a bond of 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, Bishnupur and on a further condition that the petitioner shall reside outside the jurisdiction of Kotulpur Police Station save and except for attending the Trial Court on the dates specified for hearing and he shall also intimate the address where he would be residing to the Officer-in-Charge of Kotulpur Police Station.

While on bail, the petitioner shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail being C.R.M. No.10919 of 2020 is, accordingly, disposed of.

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

(Tirthankar Ghosh, J)

(Tapabrata Chakraborty, J)

