

24.08.2021

court no. : 28
Item no. : JCB - 04
matter : 439
status : ALLOWED
transcriber : nandy

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI**

(Via Video Conference)

CRM 722 of 2021

In Re: An application for **Bail** under Section **439** of the Code of Criminal Procedure filed on 30.06.2021 in connection with Madarihat Police Station Case No. 25 of 2021 dated 01.03.2021 under Sections 448/376/511/307 of the Indian Penal Code. (G.R. Case No. 323 of 2021).

and

In the matter of: **Rajesh Munda @ Guttu**

..... Petitioner

Mr. Arijit Ghosh, Advocate

..... for the Petitioner

Mr. Ujjwal Luksom, Advocate

Mr. Tapan Bhattacharya, Advocate

..... for the State

Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail in connection with Madarihat Police Station Case No. 25 of 2021 dated 01.03.2021 under Sections 448/376/511/307 of the Indian Penal Code.

The petitioner is languishing in jail for 119 days. The case was initiated on the allegation of a lady that the petitioner forcibly entered into the house and attempted to rape her in front of her minor children but due to resistance being offered, the petitioner could not achieve what he intended. The statement of the victim

lady is recorded under Section 161 of the Code of Criminal Procedure and it is a specific stand of the petitioner as well as the State that she refused to give statement before the Magistrate. Chargesheet has been filed and, therefore, we think that it is not a case where further custody of the petitioner is required.

As such, the prayer for bail is **allowed**.

Accordingly, the petitioner shall be released on bail on the following conditions:-

- i) The petitioner shall furnish a bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar;
- ii) The petitioner shall make himself available on each and every date so fixed by the trial Court;
- iii) The petitioner shall not tamper with the evidence already collected during investigation and shall not intimidate the witnesses in any manner whatsoever;
- iv) Failure to attend the Court on a solitary day without any justifiable reason shall disentitle the petitioner the privilege of bail and expose himself to be apprehended with the leave of the Court below.

The application being **CRM 722 of 2021** accordingly **disposed of**.

(Harish Tandon, J.)

(Md. Nizamuddin, J.)

