

17.08.2021
Item no. 11 (J.C.)
Court No.32.
S.De.
(Allowed)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM 793 of 2021

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure filed on 30.07.2021 in connection with Kumargram Police Station Case No. 100 of 2021 dated 28.05.2021 under Sections 376/354D/506 of the Indian Penal Code.

And

In the matter of : Hillol Chakraborty @ Hillol Chakraborty.

.....Petitioner.

Md. Sabir Ahmed, Advocate,
Mr. Hillol Saha Podder, Advocate,

.....for the Petitioner.

Mr. Abhijit Sarkar, Advocate,

.....for the State.

The petitioner was allegedly the private tutor of the victim girl who is aged about nineteen years. The incident occurred sometime in 2018 and the complaint was lodged in 2021. Allegation against the petitioner is under Sections 376/354D/506 of the Indian Penal Code. The petitioner submits that he has been falsely implicated and has no connection with the alleged offence.

The State refers to the case diary including statement of the victim girl under Section 164 of the Code of Criminal Procedure. The State also submits that the mobile phone of the petitioner was seized in course of investigation.

Learned counsel for the State strongly opposes the prayer for bail.

We have considered the material in the case diary. The complaint was lodged after inordinate delay. It prima facie, appears that nothing was recovered from the seized mobile phone of the petitioner. Charge sheet has been submitted. The petitioner is in custody for 78 days.

Having considered the material placed before us, we are inclined to hold that further custodial detention of the petitioner is not necessary. He may be granted bail.

Accordingly, we direct that 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, Alipurduar, and on further conditions that he shall remain within the jurisdiction of the concerned police station and he shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)