

CRM(DB) No.68 of 2022

Via video conference

18.02.22

(S.R.)

Sl.29

Ct.32

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Nakashipara** Police Station Case No.339 of 2021 dated 14/07/2021 under Sections 448/376/511/323/506 of the Indian Penal Code;

And

In re: Biplab Kumar Panda @ Pandey @ Biplab Panda

... petitioner.

Mr. Prabir Majumder

... for the petitioner.

Ms. Sareen N. Khan

Mr. Ashok Das

...for the State.

Mr. Majumder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The victim is an adult lady. Upon completion of investigation charge sheet has already been submitted. As such, further detention of the petitioner, who is in custody for about 222 days, may not be necessary and he may be enlarged on bail on any stringent condition, more so when upon completion of investigation charge sheet has been submitted.

Mr. Das, learned advocate appearing for the State opposes the petitioner prayer's prayer and draws our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code. He further submits that there are incriminating materials on record against the petitioner and as such, he is not entitled to the relief, as prayed for.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that further detention of the petitioner, who has already suffered incarceration for about 222 days, is not necessary. However,

his movement needs to be restricted.

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, Krishnagar, Nadia with a further condition that the petitioner shall not enter the jurisdiction of Nakashipara Police Station until further orders and shall intimate the address where he would be residing to the officer-in-charge of the Nakashipara Police Station immediately.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall attend the learned trial court on all the dates as specified for hearing.

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(DB) No.68 of 2022 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.)