

79 06.04.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 128 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **SC-13(3)/21, Cossipore** P.S. Case No.**155** dated **04/09/2020** under Section **376** of the Indian Penal Code, 1860 and Sections **66C** and **66E** of Information Technology Act, 2000, as amended upto date, pending before the court of the Learned Additional District Judge,1-Fast Track Court, Sealdah.

And

In the matter of: Ayush @ Govind Yadav @ Govind Kumar Yadav
....petitioner.

Mr. Sabyasachi Banerjee
Ms. Aafreen Parveen

...for the petitioner.

Mr. Madhusudan Sur, Ld. APP
Mr. Manoranjan Mahata

...for the State.

Petitioner renews the prayer for bail.

Learned Advocate appearing for the petitioner submits that the change in circumstances subsequent to the earlier order of rejection is the filing of the charge sheet where the police dropped the provisions of the Information and Technology Act. He submits that the petitioner is in custody for one year and three months.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In her statement, the victim acknowledges that there was a relationship between her and the petitioner. The police submitted charge sheet dropping the provisions of the Information and Technology Act. In her statement, the victim also narrated about the photographs being taken on the mobile phone. It appears from the case diary that the mobile phone was seized. Considering the

same, the police while submitting the charge sheet dropped the provisions of the Information and Technology Act. Exception was not taken to the charge sheet so filed as on date.

Considering the period of detention of the petitioner and considering the fact that the police submitted charge sheet, we grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Sealdah, subject to the condition that during bail the petitioner shall appear before the learned trial court on the dates fixed till disposal of the trial and that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being **C.R.M. (DB) 128 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)