

CRM (DB) 137 of 2022

(via video conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure ;

And

In Re : Suman Barman

.....Petitioner

**Mr. Kallol Mondal
Mr. Amanul Islam
Mr. Kishan Roy
Mr. Sourav Mukherjee
Mr. Sovik Das
Mr. A. Banerjee**

.....for the Petitioner

**Mr. Debabrata Chatterjee, Ld. APP
Ms. Pritha Paul**

.....for the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Palashipara P.S. Case No. 427/2021 dated 13/11/2021 under Sections 376/506 of the Indian Penal Code.

Mr. Mondal, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded. The victim is a married lady. Upon completion of investigation, charge sheet has already been submitted and as such, further detention of the petitioner may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Chatterjee, learned Additional Public Prosecutor appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Sections 161 and 164 of the Code as well as the medical

report. He submits that it would be explicit from the records that the petitioner had direct involvement in the alleged offence.

Heard the learned advocates appearing for the respective parties.

We have assessed the materials in the case diary including the statement of the victim lady, as recorded under Sections 161 and 164 of the Code as well as the medical examination report. Considering the nature of accusations, the manner in which the offence has taken place and the fact that both the petitioner as well as the victim are adult, we are of the opinion that further detention of the petitioner is not necessary.

Accordingly, we allow this application and direct that the petitioner, namely, **Suman Barman**, 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 a local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia with a further condition that the petitioner shall not enter the jurisdiction of Palashipara Police Station until further orders. He shall also intimate the address where he would be residing to the Officer-in-Charge, Palashipara Police Station immediately.

The petitioner shall attend the learned Court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

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 his bail without any further reference to this Court.

With the aforesaid observations, the application for bail, being CRM (DB) 137 of 2022, is 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.)