

04.03.2022
Court No.32
Item No. 10
Avijit Mitra

C.R.M. (DB) No.215 of 2022

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

And

In Re : Sourav Kar @ Apu Kar

Petitioner

Mr. Kallol Kumar Basu,
Mr. Anindya Sundar Das,
Ms. Avipsa Sarkar,
Mr. Sourav Mallick,
Mr. Jannat Ul Firdous,
Ms. Tithi Majumdar,
Mr. Mansaram Mondal

For the Petitioner

Mr. Bidyut Kumar Roy,
Ms. Rita Datta

For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioners in connection with Bandwan Police Station Case No.67 of 2021 dated 24.10.2021 under sections 376/417 of the Indian Penal Code.

Mr. Basu, learned advocate appearing for the petitioner submits that the petitioner had a consensual relationship with the victim lady. Both of them are adults. The victim lady was aware of the consequences of such relationship. The allegations levelled against the petitioner are unfounded and upon completion of investigation chargesheet has already been filed. As such, further detention of the petitioner, who has suffered incarceration for about 131 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Mr. Roy, the learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, the injury report and other materials in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, it appears that there was a relationship between the petitioner and the victim lady. Whether such relationship was actuate with dishonest intention from the inception needs to be assessed at the appropriate stage of the proceedings, in accordance with law. Considering the nature of accusations, the period of detention already suffered by the petitioner and the possible extent of his complicity in the alleged offence, we are of the opinion that further detention of the petitioner is not necessary. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sourav Kar @ Apu Kar**, 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 Chief Judicial Magistrate, Purulia with a further condition that the petitioner shall not enter the jurisdiction of Bandwan Police Station until further orders.

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 the petitioner's bail without any further reference to this Court.

Accordingly, the application for bail, being CRM (DB) No.215 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)