

CRM(DB) No.264 of 2022

Via video conference

14.03.22

(S.R.)

Sl.15

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Jamuria** Police Station Case No.236 of 2021 dated 18.06.2021 under Sections 363/365/376D/506/120B of the Indian Penal Code;

And

In re: Mithun Pandey

... Petitioner.

Ms. Minoti Gomes

... for the petitioner.

Mr. Bidyut Kumar Roy

Ms. Sima Biswas

...for the State.

Ms. Gomes, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated, as would be explicit from the observations made by the Investigating Officer while filing the charge sheet. The petitioner has already suffered detention for about 210 days and in the said conspectus, he may be enlarged on bail on any stringent condition. She further submits that the complaint was lodged by the victim lady about 3 days after the alleged incident and the said delay also does not stand explained.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Sections 161 and 164 of the Code.

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

In the charge sheet, it has, *inter alia*, been stated by the Investigating Officer that '*collected C.A. Verification report of the PC accused Mithun Pandey (34 Years) s/o Late Narayan Pandey of Shivlal Danga, South Dhadka, PS-Asansol North, District-Paschim Bardhaman from Asansol North PS and revealed nothing adverse could be found*

against the said PC accused’.

In view thereof and considering the period of incarceration already suffered by the petitioner, we are of the opinion that his further detention 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, Paschim Bardhaman with a further condition that the petitioner shall not enter the jurisdiction of Jamuria Police Station until further orders and shall intimate the address where he would be residing to the Officer-in-Charge of Jamuria 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.264 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.)

