

Via video conference

07.03.22

(S.R.)

Sl.41

Ct.32

Allowed

In re: An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Dhantala** Police Station Case No.539 of 2021 dated 23/11/2021 under Sections 448/354B/376/511 of the Indian Penal Code;

And

In re: Uttam Biswas

... petitioner.

Mr. Sananda Bhattacharyya

... for the petitioner.

Mr. Binay Panda

Ms. Puspita Saha

...for the State.

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded. He has been falsely implicated. The complaint was lodged about eight days after the alleged incident. The delay in lodging such complaint has not been explained. Upon completion of investigation charge sheet has also been submitted and as such, further detention of the petitioner, who is in custody for about 87 days, may not be necessary and he may be enlarged on bail on any stringent condition.

Ms. Saha, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code. Answering our query, she submits that the victim girl refused medical.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the period of detention suffered and the possible extent complicity of the petitioner in the alleged offence, we are of the opinion that further detention is not necessary, more so when upon completion of investigation charge sheet has been submitted.

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, Ranaghat, Nadia, with a further condition that the petitioner shall attend the Learned Trial Court on all the dates, as specified for hearing.

It is further directed that the petitioner 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.

The application for bail being CRM(DB) No.314 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.)