

47 16.02.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 437 of 2022
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Dhantala** P.S. Case No. **544 of 2021** dated **26/11/2021** under Section **376D** of the Indian Penal Code, 1860.

And

In the matter of: Gopal Roy

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Binoy Panda

Ms. Puspita Saha

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner was not named in the First Information Report and in the statements of the victim recorded under Section 164 of the Code of Criminal Procedure. The petitioner was not identified in the Test Identification Parade.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that the petitioner was not named in the First Information Report and also in the statements recorded under Section 164 of the Code of Criminal Procedure and considering the fact that the victim could not identify the petitioner in the Test Identification Parade and considering the period of detention of the petitioner, 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, Ranaghat, Nadia subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he 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) 437 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)