

71 28.02.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 569 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliganj** P.S. Case No. **677 of 2021** dated **17/12/2021** under Sections **447/376/511/325** of the Indian Penal Code.

And

In the matter of: Pukai Sekh

....petitioner.

Mr. Sumanta Das

...for the petitioner.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate.

Mr. Arindam Sen.

...for the State.

Petitioner seeks bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is in custody for 28 days. He draws the attention of the Court to the previous complaint lodged by the de facto complainant of the same incident where elements of Section 376 of the Indian Penal Code were absent.

Learned Advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Code of Criminal Procedure and to the medical reports.

Considering the fact that there is a previous complaint lodged by the de facto complainant on November 25, 2021 in respect of the incident on November 13, 2021 which does not speak of an attempt to rape and considering the fact that the de facto complainant subsequently lodged the present police case alleging an attempt to rape against the petitioner and considering the period of detention of the petitioner, we enlarge the petitioner on bail.

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 Chief Judicial Magistrate, Krishnanagar, Nadia, subject to the condition that during bail the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and that the petitioner shall appear before the learned trial court on the date fixed till disposal of the trial and that the petitioner 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) 569 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)