

15.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M. (DB) 722 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Bhadresswar** Police Station Case No. **539** of **2021** dated **10.12.2021** under Sections 376/417/292/506 of the Indian Penal Code.

And

In Re : Mohitosh Santra

..... petitioner

Mr. Sudip Ghosh Chowdhury

.....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

....for the State

Petitioner seeks bail.

Learned advocate appearing for the petitioners submits that, the petitioner is in custody for 82 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. There was a past relationship between the petitioner and the victim. The police complaint is a result of such relationship going sour.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

Considering the fact that in 164 Cr.P.C. statement, the victim states that she was in a relationship with the petitioner and considering the fact that the police filed charge-sheet and

considering the period of detention of the petitioner, we grant bail to the petitioner.

Accordingly, we direct that 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, Chandernagore, Hooghly**, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)