

C.R.M. (DB) 872 of 2022

19.04.2022
Sl. 52
Court No.29
(sourav)
(Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Santipur** Police Station Case No. **1022** of **2021** dated **03.12.2021** under Sections **448/376/323/406/506** of the Indian Penal Code.

And

In the matter of: **Biplab Biswas**

....petitioner.

Ms. Sananda Bhattacharyya

...for the petitioner.

Mr. Debabrata Chatterjee, Ld. APP

Mr. Santanu Chatterjee

... for the State.

Report as called for by the order dated April 8, 2022 filed in Court be taken on record.

The report speaks of the petitioner developing medical condition while in custody.

Learned advocate appearing for the petitioner submits that the prayer for bail is being renewed not only on the ground of the medical conditions but also on merits. She submits that the First Information Report was lodged 72 days after the incident. She refers to the statement of the victim recorded under Section 164 of the Criminal Procedure Code. She submits that the petitioner was falsely implicated. She also submits that in a statement the victim claimed that offensive photographs of her were taken. The police did not seize the mobile phone or the so called photographs.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

On a query from the Court, learned advocate for the State submits that the police did not seize the mobile phone of the petitioner.

In her statement recorded under section 164 of the Criminal Procedure Code, the victim acknowledges that she and the petitioner were known to each other previously.

Considering the period of detention of the petitioner and considering the medical condition of the petitioner, we grant bail to the petitioner.

Accordingly, the petitioner 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, subject to the condition that during bail he shall appear before the learned trial court on every date of hearing and shall not intimidate witnesses and/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) 872 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

