

17.06.2022

Item No.5.

Mithun

Ct.42

CRM (SB) 105 of 2022

In the matter of : Sandip Kumar Paul.

... petitioner.

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Bidhannagar North Police Station Case No.257 of 2021 dated 11.12.2021 under Sections 354/34 of the Indian Penal Code, 1860 corresponding to G.R.No.1506 of 2021.

Mr. Kumar Jyoti Tewari, Adv.

Mr. Tarun Jyoti Tewari, Adv.

Mr. Manas Kumar Das, Adv.

Ms. Rajlakshmi Ghatak, Adv.

Mr. Aniruddha Tewari, Adv.

...for the petitioner.

Mr. Joydeep Roy, Adv.

Ms. Sujata Das, Adv.

...for the State.

This is renewal of prayer for bail of the accused.

The fact of the case is recorded in detail vide order dated 28th February, 2022 when this Court rejected the prayer for bail. It is on record that the accused was arrested on 11th December, 2021. Charge-sheet was filed against the accused on 26th December, 2021. On 22nd March, 2022 charge was framed against the accused. As the accused pleaded not guilty, the date was fixed for trial of the case. Victim was initially examined on 16th April, 2022. Subsequently the Trial Court fixed 7th May, 2022, 12th May, 2022, 31st May, 2022 and 9th June, 2022 for recording further evidence of the victim lady. On all previous dates,

the victim lady did not turn up. The accused is in custody for about 188 days. For the reasons aforesaid, the learned Advocate for the petitioner has prayed for bail.

Learned Public Prosecutor-in-Charge submits that the de-facto complainant/victim is now settled in Bangalore and it is not possible for her to attend the Court on the date when the case was fixed for recording her evidence. However, she will appear on the next date.

The prosecution has not come up with any such case that if the accused is enlarged on bail at this stage, he may influence or threaten the de-facto complainant in course of her recording evidence.

Considering the period of detention and in view of the fact that charge was framed against the accused under Section 354 of the Indian Penal Code which is Magistrate triable case, I am inclined to release the accused on bail.

Accused may find bail of Rs.10,000/- with one surety of like amount to the satisfaction of the learned Additional Chief Judicial Magistrate, Barasat with further condition that he will not influence or threaten any witness on behalf of the prosecution in course of trial of the case.

The instant bail petition, is, thus, **disposed of**.

The report submitted by the Investigating Officer of the case be kept with the record.

(Bibek Chaudhuri, J.)

