

22.09.2022.
18.
as
(Allowed)

C.R.M. (DB) 3213 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali P. S. Case No.777 of 2022 dated 05.08.2022 under Sections 448/354/354A/376/511/506/323 of the Indian Penal Code.

In the matter of : Biswajit Roy.

.... Petitioner.

Ms. Sananda Bhattacharyya,
Ms. Kaberi Mukherjee.

...for the Petitioner.

Mr. Atif Ahmed Siddiqui.

...for the State.

Petitioner is in custody for 32 days. It is submitted there is dispute between the parties and he has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of ravishing the victim lady requires to be assessed in the light of the aforesaid submission relating to enmity between the parties during trial. There is dispute between the parties.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner for progress of investigation is not necessary. However, movement of the petitioner requires to be restricted in order to instill the confidence of the victim and other witnesses.

Accordingly, 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, Ranaghat, Nadia subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever while on bail shall remain outside the jurisdiction of Hanskhali Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

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 his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)