

C.R.M. (DB) 3659 of 2022

110 18.10.2022
As/ Ct. No.29
cm (Allowed)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Singur** P.S. Case No. **233 of 2022** dated **11/06/2022** under Sections **376D/509/323/325/384/354B/506/34** of the Indian Penal Code, 1860 and charge sheet submitted under Sections **341/376D/509/323/384/354B/506/34**

And

In the matter of: Kartick Dhara & Anr.

....petitioners.

Mr. Bitasok Banerjee

...for the petitioners.

Mr. Joydeep Roy,
Mr. Amarul Islam

...for the State.

Petitioners pray for bail.

Learned Advocate appearing for the petitioners submits that the petitioners stand on the same footing as that of the co-accused who was enlarged on anticipatory bail by the order dated September 28, 2022 passed in CRM (A) 4622 of 2022.

Learned Advocate appearing for the State draws attention of the Court to the medical examination report of the victim.

The victim claims that she was ravished by a number of persons on May 4, 2022. The victim was examined on May 4, 2022 where she did not complain of rape. The medical examination report of the victim states that there are scratch marks on the arms, thigh and on the back of the victim. The allegation of rape was made by the victim in the statement recorded under Section 161 of the Code of Criminal Procedure for the first time and thereafter under Section 164. Noticing such facts, by the order dated September 28, 2022 passed in CRM (A) 4622 of 2022, the Court expressed the view that the issue of false implication cannot be overlooked at that stage.

Today, there are no further materials in the case diary to corroborate the claim of the victim that she was ravished.

In such circumstances, considering the order dated September 28, 2022 passed in CRM (A) 4622 of 2022, the period of detention of the petitioners and the fact that the police filed charge sheet, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to the condition that during bail the petitioners shall appear before the learned trial court on the date fixed till disposal of the trial and the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail 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) 3659 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)