

18.10.2022

Vacation Bench
SL No.120
S.B/s.biswas
(Allowed)

C.R.M. (DB) 3677 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kalyani** P.S. Case No. **553 of 2022** dated **25.09.2022** under Sections **376/417/506/406/34** of the Indian Penal Code.

And

In the matter of: **Aniruddha Das**

....Petitioner

Mr. Shekhar Barman

...for the Petitioner

Mr. B. K. Roy,
Ms. Purnima Ghosh

...for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that the petitioner was falsely implicated in the case. The petitioner filed proceedings for nullity of marriage whereupon the present police complaint was lodged.

Learned advocate for the State draws the attention of this Court to the materials in the case diary.

In response to the query of the Court, learned advocate for the State submits that the statement of the victim is yet to be recorded under Section 164 of the Code of Criminal Procedure. The victim is yet to be medically examined with regard to the allegation of rape under Section 376 of the Indian Penal Code.

In view of materials as noted above and considering the period of detention 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, Kalyani, Nadia and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation and subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial and he shall not intimidate witnesses 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) 3677 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Ajay Kumar Gupta, J.)