

16.12.2022
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allowed

CRM(DB) No. 4417 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Eco Park Police Station Case No. 153 of 2022 dated 27.06.2022 under Sections 376/506 of the Indian Penal Code and charge-sheet submitted under Sections 376/506/120B/34 of the Indian Penal Code.

And

In Re : Tukai Barik petitioner

Mr,. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha
.....for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 189 days. It is also submitted that victim girl stated she was unaware of the name of the accused in her statement under Section 164 of the Code of Criminal Procedure. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner is named as the accused in the F.I.R. as well as in the medical documents.

We have considered the materials on record. Though petitioner is named as an accused in the F.I.R. in her statement under Section 164 of the Code of Criminal Procedure victim states she was unaware of the name of the person who raped her. No electronic evidence with regard to taking obscene pictures has also been placed before us.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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 Chief Judicial Magistrate, North 24-Parganas, subject to condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)