

30
13-01-2022
(ct. no.1)
KOLE
Allowed

Circuit Bench of Calcutta High Court At Jalpaiguri
CRM (DB) 15 of 2022

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Sahebganj Police Station** Case No. **389 of 2019** dated **03.08.2019** under Sections **376(2)(f)(1)/506** of the Indian Penal Code.

- A n d -

In the matter of : Tapan Sarkar

.... Petitioner.

Mr. K. Mondal,

... For the Petitioner.

Mr. N. Chakraborty,
Mr. S. S. Sikdar,

... For the State.

The allegation is that the petitioner raped his wife's sister who was about 20 years old at the time of the incident.

The petitioner says that he has been framed. He is in no way connected with the alleged offence.

The State opposes the prayer for bail.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have seen the medical report which records that there is no sign of external injury. We are also told that charge sheet has been submitted. However, charge has not yet been framed. The petitioner is in custody for about 2 years and 4 months.

On an overall assessment of the facts and circumstances of the case and considering that charge sheet has been submitted

upon completion of investigation, we are of the view that no useful purpose will be served by further detention of the petitioner.

Accordingly, we direct that the petitioner, namely, **Tapan Sarkar**, 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 Sessions Judge, Dinhata and on further conditions that he shall not enter the jurisdiction of the concerned police station excepting for attending the trial and shall report to the Officer-in-Charge of the concerned police station once in a week until further orders. The 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(**Aniruddha Roy, J.)**

(**Arijit Banerjee, J.)**