

16.06.2022
05
Ct. No. 01
KAUSHIK
Allowed

Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

C.R.M. (DB) 189 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Pundibari** Police Station Case No. **642** of **2021** dated **04.12.2021** under Sections 376(2)(n)/417/376/511 of the Indian Penal Code, 1860.

And

In Re : Rakesh Dutta

..... petitioner

Mr. Jagriti Mishra
Mr. Debayan Goswami
Mr. Subham Gupta

.....for the petitioner

Mr. Ujjwal Luksom
Mr. Tapan Bhattacharjee
Mr. Biswarup Roy

....for the State

Petitioner prays for bail.

Learned advocate appearing for the petitioner submits that, the petitioner is in custody for 194 days. The police filed charge-sheet and, therefore, further detention of the petitioner is not required. He submits that the allegation is result of a previous relationship turning sour.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and the materials in the case diary.

In her 164 Cr.P.C. statement, the victim acknowledges that she was in a relationship with the petitioner. Both the petitioner and the victim are adults.

Considering the period of detention of the petitioner and considering the fact that the police filed charge-sheet, we 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 Sessions Judge, Coochbehar**, subject to the condition that 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 appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

