

3.01.2022
Item no.46
Court No.1
m.ali
(Allowed)

(Via Video Conference)

CRM No. 1271 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2021 in connection with Tufanganj Police Station Case No 729 of 2021 Dated 2.11.2021 under Sections 363/365 and adding section 376 of the Indian Penal Code.

And

In the matter of : Balaram Roy Petitioner.

Mr. Hillol Saha Podder

.....for the Petitioner.

Mr. Nilay Chakraborty,
Mr. S.S. Sikdar for the State.

The allegation is that the petitioner kidnapped the victim lady and raped her.

The petitioner says that the victim is his neighbor and a married lady. There was an affair between them. Upon the victim's husband coming to know of the affair, the victim was forced to file the false complaint against the petitioner.

We have seen the material in the case diary including the victim's statement which prima facie, does not appear to be convincing. The medical report also is not of much help and does not incriminate the petitioner. The charge sheet has been filed upon conclusion of investigation.

In view of the aforesaid, we are of the opinion that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner, namely Balaram Roy 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, Tufanganj and on further conditions that he shall remain within the jurisdiction of the concerned police station and the petitioner shall report to the Officer-in-Charge of the concerned police station once in a fortnight 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 and/or commit any cognizable offence 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.)

