

08.02.2023
Sl. No.42
akd
[ALLOWED]

C. R. M. (DB) 498 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2023 in connection with Banshihari Police Station Case No.314 of 2022 dated 15.12.2022 under Sections 376/417 of the Indian Penal Code. (G.R. Case No.1337 of 2022)

And

In Re: **Sandip Ghosh @ Balu**

... .. Petitioner

Mr. Asim Kr. Chakrabarti
Mr. S. K. Bhattacharyya

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 55 days. It is further submitted victim was major at the time of incident.

Learned Additional Public Prosecutor opposes the prayer for bail and submits petitioner had taken money from the victim. He had also taken objectionable videos of the victim which he threatened to upload in the public domain.

We have considered the materials on record. There was free mixing between the parties. Victim was major at the time of incident. No electronic records in support of the allegation of uploading objectionable videos are placed before us. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sandip Ghosh @ Balu**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one

of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)