

23.02.2023
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allowed

CRM(DB) No. 648 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 297 of 2022 dated 06.04.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And
In Re : Subrata Santra petitioner

Mr. Bratin Kumar Dey
.....for the petitioner

Mr. Avishek Sinha
..... for the State

Learned Counsel for the petitioner submits he is in custody for 136 days. Investigation is complete. It is also submitted that the allegation of forcible rape is false. He prays for bail.

Affidavit-of-service filed in Court be placed on record. Service is complete. Nobody appears for the victim.

Learned Counsel for the State produces the case diary.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure is at variance with her statement recorded under Section 161 of the Code of Criminal Procedure. Keeping in mind the aforesaid dichotomy, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

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 Additional District and Sessions Judge, Ranaghat, Nadia, subject to 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 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.)