

19.04.2023
tkm/ct 28
sl no. 35

C.R.M. (DB) 1367 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chandannagar PS case no. 165 of 2022 dated 20.7.2022 under sections 417/376/504/34 IPC

And

Allowed

In Re : Sheetal Deep Jain @ Bablu @ Balu petitioner

Mr. Navanil De
Mr. R Chakraborty
Mr. S Ghosh
Mr. S Dey
Ms. M Mukherjee

..... for the petitioner

Ms. Z N Khan
Mr. Arup Sarkar

..... for the State

Mr. Tanmay Basu
Mr. Manoj Adak
Mr. Ambika Sasmal

..... for the de facto complainant

Petitioner is in custody for 218 days. It is submitted that the victim has lodged similar complaints against other persons. He renews his bail prayer.

Learned lawyer for the State opposes the bail.

Learned lawyer for the de facto complainant submits she was assaulted by the family members of the petitioner.

We have considered the materials on record. There was free mixing between the petitioner and the victim. A large number of criminal cases have been registered by the victim against the petitioner and his family members. In this backdrop bail prayer of the petitioner was turned down by this court. Thereafter petitioner has renewed his bail prayer on the ground that the victim had lodged similar cases against other individuals. Report has been filed on behalf of the State endorsing such fact. Allegation of rape on the ground of false promise requires to be assessed in the aforesaid attending circumstances during trial. Keeping in mind the aforesaid facts including prior conduct of the de facto complainant we are of the opinion though further detention of the

petitioner may not be necessary but his movement require to be restricted in order to instill confidence in her mind and that of other witnesses.

Accordingly, the petitioner 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 ACJM Chandannagar on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that petitioner while on bail shall not enter the jurisdiction of Chandannagar P.S until further orders except for the purpose of attending court proceeding and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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 being CRM (DB) 1367 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)