

CRM(DB) No. 1379 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat women Police Station Case No. 25 of 2023 dated 01.03.2023 under Sections 376/448/325/354B/506/34 of the Indian Penal Code.

And

In Re : Tanmoy Biswas petitioner

Ms. Sananda Bhattacharyya
....for the petitioner

Mr. Prasun Kumar Dutta, learned APP
Mr. Santanu Deb
.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Allegation of rape does not feature in the FIR. Subsequently in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure she alleges rape. This appears to be an embellishment. Under such circumstances, we are inclined to 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions that 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.)