

26.09.2023.
31.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3539 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kalna P.S. Case No.1247 of 2022 dated 20.12.2022 under Sections 343/376D/120B/323/325/365/279/506 of the Indian Penal Code and Section 66E of the I. T. Act and charge sheet submitted under Sections 343/376D/120B/323/325/265/506 of the Indian Penal Code.

In the matter of : **Manas Pal.**

.... Petitioner.

Mr. Tapas Kr. Ghosh,
Mr. Tanmoy Chowdhury.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.

...for the State.

Mr. Pinak Kr. Mitra.

...for the de-facto complainant.

1. Petitioner is in custody for 280 days. He submits he is not the principal accused. In the T. I. Parade sheet, victim stated petitioner had come to the hotel room only for 15 minutes. He prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He submits CCTV footage gives a different version. Victim was confined in the hotel from 7th December, 2022 to 10th December, 2022. On 9th December, 2022, petitioner was in the hotel from 10.00 AM to 10.30 AM.

3. We have considered the materials on record. Conduct of the petitioner and his role in the crime appears to be unclear. Statement of the victim gives an impression he was in the room for 15 minutes whereas the CCTV footage gives a different

version. Notings in the T. I. Parade sheet does not show victim identified the petitioner as the person who committed rape.

4. In view of the aforesaid facts, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Manas Pal** 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, Kalna, Purba Bardhaman subject to condition that he 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 and on further condition that the petitioner while on bail shall remain within Kalna Police Station except for the purpose court proceeding and report to the Officer-in-charge, Kalna Police Station once in a week until further orders.

6. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

