

08.02.2024
Sl. No.22
akd
[ALLOWED]

C. R. M. (DB) 85 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 04.01.2024 in connection with Amdanga Police Station Case No.503 of 2022 dated 24.09.2022 under Section 376D of the Indian Penal Code. (G.R. Case No.3435 of 2022)

And

In Re: ***Prasenjit Paramanik***

... .. Petitioner

Mr. Tathagata Majumder
Ms. Neha Chakraborty
Mrs. Somoshree Banerjee

... .. for the petitioner

Mr. Joydeep Roy
Mrs. Manasi Roy

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 500 days. It is further submitted victim did not implicate the petitioner in the crime. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State produces the case diary.
4. In spite of service, nobody appears on behalf of the victim.
5. We have considered the materials on record including the evidence of the victim. She has not supported the prosecution case against the petitioner. In view of the nature of evidence on record and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
6. Therefore, the accused/petitioner, namely ***Prasenjit Paramanik***, 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 Chief Judicial Magistrate, North 24-Parganas at Barasat 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.

7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)