

08.03.2024.
23.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 559 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amdanga P.S. Case No.503 of 2022 dated 24.09.2022 under Section 376D of the Indian Penal Code.

In the matter of : **Biswajit Patra @ Bhola.**

.... Petitioner.

Mr. Tathagata Majumdar,
Ms. Neha Chakraborty,
Ms. Somoshree Banerjee.

...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Subrato Roy.

...for the State.

1. Heard the learned Advocates for the parties.
2. Report is placed on record.
3. In spite of service of notice, nobody appears for the victim.
4. We have considered the materials on record. Petitioner is in custody for 530 days. Victim has not implicated the petitioner in her deposition during trial. Co-accused viz., Prasenjit Paramanik has been enlarged on bail.
5. Under such circumstances, petitioner may also be released on bail.
6. Accordingly, the petitioner viz., **Biswajit Patra @ Bhola** 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 Chief Judicial

Magistrate, Barasat, North 24-Paraganas 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.

7. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)