

28.03.2024.
32.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 946 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Debra P.S. Case No.46 of 2024 dated 24.01.2024 under Sections 450/376(2)(n)/506 of the Indian Penal Code and charge sheet submitted under Sections 450/376(2)(n)/506 of the Indian Penal Code.

In the matter of : **Susanta Jana.**

.... Petitioner.

Mr. Arindam Jana,
Mr. Apurba Kr. Chakraborty,
Mr. Partha Pratim Sinha.

...for the Petitioner.

Mr. Antarikshya Basu,
Ms. Atulya Sinha.

...for the State.

Mr. Siddhartha Sarkar.

...for the de-facto complainant.

1. Petitioner submits he has been falsely implicated. He is in custody for 66 days. It is contended his money bag was planted at the place of occurrence. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Victim was an employee of a tea stall. She stated in the intervening night of 23/24th January, 2024 she had been raped by an unknown person. She lodged FIR. Money bag of the petitioner was recovered from the place of occurrence. However, the petitioner has not been put up for identification in a Test Identification Parade. Petitioner contends possibility of the money bag being planted to falsely implicate the petitioner cannot be ruled out.

4. In view of lacuna in investigation regarding failure to put the petitioner for identification by the victim in a Test Identification Parade examination, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Susanta Jana** 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, Paschim Medinipur 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.

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.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)