

05.04.2024
Serial no. 1
[G.S.D]

CRM (SB) 41 of 2024

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Goalpokhor P.S. Case No. 182 of 2023 dt. 14.4.2023** under sections **341/323/354/506/34** of the **IPC** read with sections **3(i)** of the **SC & ST (POA) Act.**

-And-

In the matter of : Rahul Kundu

... .. Petitioner

Mr. Niladri Sekhar Ghosh
Ms. Sompurna Chatterjee
Mr. Sourov Mondal
Ms. Labani Sikdar

... .. For the Petitioner

Mr. Saryati Datta
Mr. Dipankar Paramanick ... for the State

The petitioner is in custody since 23rd of February, 2024 as submitted by the Id. Advocate appearing on behalf of the petitioner.

According to the Id. Advocate he has been falsely implicated in connection with the instant case and the investigation is continuing since 14th of April, 2023, as such, further detention of the petitioner may not be warranted in the facts and circumstances of the case.

Mr. Datta, Id. Advocate for the State, opposes such contention and submits that there was a previous case and the present case is the one, which is the consequential act of the present accused persons. In fact, there is corroboration

in the statement under section 164 of the victim girl as well as that of the Toto driver.

I have considered the period of detention as also the materials appearing in the case diary and I find that there are certain disturbing features in the communication of the Sub-Divisional Officer at pages 49 and 51 of the case diary.

Having regard to the same, I am of the view that the petitioner should be released on bail.

Hence, the prayer for bail of the petitioner is **Allowed.**

Accordingly, the petitioner viz, Rahul Kundu shall be released on bail upon furnishing 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 Ld. CJM, Raiganj.

If on bail, the petitioner shall stay outside the jurisdiction of Goalpokhor P.S. and shall enter the jurisdiction only for the purpose of meeting the investigating officer of the case once in a week and as and when called for by the investigating officer of the case.

Accordingly, CRM(SB) 41 of 2024 is allowed.

Pending application(s), if any, is also disposed of.

Parties to act on a server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)