

03.05.2024
tkm/ct 28
sl no. 44

C.R.M. (DB) 1412 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Monteswar P.S case no. 364 of 2023 dated 30.6.2023 under sections 448/376D
and

Allowed

In Re : Rajeswar Das

..... petitioner

Md. Sabir Ahmed
Mr. B Hutait
Ms. Suman Biswas
Mr. T Ahmed

..... for the petitioner

Mr. Anand Keshari
Mr. Ratul Ghosh

..... for the State

1. Petitioner is in custody for 81 days. He contends he did not share common intention with the principal accused Kartick Ojha to commit rape. He was not inside the room when the victim was raped under the ruse of performing spiritual cure. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. We have also examined the statement of the victim. She stated petitioner was outside the room when the principal accused who was a spiritual healer had raped her. Whether the petitioner shared common intention with the principal accused to commit rape requires to be examined in the light of the aforesaid circumstances during trial. There is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 Judge, Special Court under POCSO Act Kalna Purba Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (DB) 1412 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)