

11.06.2024
Item no.26.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1560 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 10.05.2024 in connection with Mogra Police Station Case No. 100 of 2024 dated 15.03.2024 under Sections 341/447/323/307/354B/363/365/506/34/376 of the Indian Penal Code.

And

In the matter of : Biswanath Pandey @ Biswanath Panday.

.....Petitioner.

Mr. Suman Chakraborty,for the Petitioner.

Mr. Madhusudan Sur,
Mr. Aslam Parvez,for the State.

The charges are primarily of kidnapping and rape. The petitioner says that the principal accused, who is the son of the petitioner is in custody. The petitioner had no role to play in the alleged incident. He is in custody for 81 days. There is no such material-on-record that would justify his detention.

Learned advocate for the State produces the case diary and draws our attention to the injury report as also the statements recorded under Section 164 of the Code of Criminal Procedure.

On an overall assessment of the material-on-record the possible extent of the complicity of the petitioner in the alleged offence, although charge-sheet has not been filed as yet, we are inclined to grant bail to the petitioner so long as he co-operates

with the Investigating Authority and complies with the other terms and conditions mentioned hereinafter.

Accordingly, we direct that the petitioner, namely **Biswanath Pandey @ Biswanath Panday** 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, Hooghly and on further conditions that he shall remain within the jurisdiction of the concerned police station.

The petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

