

20.06.2024
Item no. 78.
Court No.28.
AB
(Allowed)

CRM (DB) 1555 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No.365 of 2024 Dated 29.3.2024 under Sections 448/376 506 of the Indian Penal Code

And

In the matter of : Nityan Sarkar

.....Petitioner.

Ms. Minoti Gomes,
Mr. Samrat Paul
Ms. Dana Sanyalfor the Petitioner.

Mr. Debasish Roy, ld. PP
Mr. Arijit Ganguly
Mr. Kaushik Kundufor the State.

Mr. Dipankar Dasfor the Victim Lady.

The petitioner says that he has been framed. He had a love affair with the victim lady. Both of them are adults. The victim is a married lady. The mother-in-law of the victim lady caught the petitioner and the lady together in the victim's room. She raised a hue and cry. Thereupon, false allegation has been made that the petitioner was trying to rape the victim.

Learned Advocate for the State produces the case diary. We have seen the statements of witnesses recorded under Section 164 Cr.P.C. We have also seen the medical report. Charge sheet has been filed upon completion of investigation. Learned Advocate appearing for the victim lady does not raise any objection to this application.

In view of the aforesaid and on an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are inclined to allow this application.

Accordingly, we direct that the petitioner, namely **Nityan Sarkar** 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.

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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)

