

07
04-07-2024
(ct. no.28)
KOLE
Allowed

CRM (DB) 1635 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Daspur Police Station** Case No. **616 of 2023** dated **14.11.2023** under Sections **323/328/354/376/511** of the Indian Penal Code.

- A n d -

In the matter of : Tapan Pandit @ Bura

.... Petitioner.

Mr. Subrata Santra,
Ms. Gargi Dhang,

... For the petitioner.

Mr. Suman De,
Mr. Satya Das,

... For the State.

The victim lady has been notified of this bail application by the State. Copy of the notice be kept with the records.

The petitioner says that he has been framed. He is in no way connected with the alleged offence of attempted rape or causing physical injury. He has been in custody for about eight months. Witness action has not yet begun. He says that schedules were fixed for examination but on none of those dates examination was held. He prays for bail.

Learned Advocate for the State while opposing the prayer for bail draws our attention to the material in the case diary. We have seen the statement of the victim lady who is married and about 27 years old, recorded under Section 164 of the Code of Criminal Procedure. We have also seen the medical report. The material on record *prima facie* does not indicate the definite complicity of the petitioner in the alleged offence. He is in custody for quite some time. There are 12 witnesses to be examined.

On an overall assessment of the material on record and the nature and gravity of the offence as also the quality of the material on record, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Tapan Pandit @ Bura**, 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 Session Judge, Ghatal, Paschim Medinipur 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 in any manner whatsoever.

In the event the petitioner fail 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.)**