

17. 04.07.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 1846 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Taherpur Police Station Case No.122 of 2024** dated **10.03.2024** under Sections **376/328/120B/506/34** of the Indian Penal Code, 1860. Charge-sheet under Sections **376/506/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Amit Biswas**

...petitioner.

Mr. Susnigdho Bhattacharyya, Adv.

...for the petitioner.

Mr. S.S. Imam, Adv.,
Mr. Santanu Deb Roy, Adv.

...for the State.

Mr. Sumanta Das, Adv.

...for the *de facto* complainant.

Order dictated in open Court by Apurba Sinha Ray, J.

Learned Counsel for the petitioner submits that he has been languishing in the judicial custody for about 112 days. He has been falsely implicated in this case. Investigation is complete and as such he may be granted bail on any condition as this Court may decide.

Learned Counsel for the State has raised strong objection against the prayer for bail. According to him, the petitioner was a tractor driver and he has acquaintance with the victim lady.

We have seen the material in the case diary wherefrom it transpires that the victim lady has been forcibly raped after administering some spurious chocolate.

Learned Counsel appearing for the *de facto* complainant submits that the bail prayer of the petitioner should be rejected as the victim lady's 17-month old child has also been threatened by the petitioner.

On a perusal of the material in the case diary it transpires that investigation is complete. Records further reveal that the victim lady has refused to undergo medical examination.

On an overall assessment of the material on record and the quality and nature of the evidence so far available and that investigation is complete and charge-sheet has been filed, we are inclined to allow the petitioner's prayer for bail but on stringent conditions:

Accordingly, we direct that the petitioner, namely, **Amit Biswas** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, one of whom must be local, to the satisfaction of the concerned Trial Court, subject to condition that –

- 1) The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the

witnesses and/or tamper with evidence in any manner whatsoever.

- 2) The petitioner shall not enter the jurisdictional Police Station where the victim lady resides, except for the purpose of attending Court proceedings, and shall also furnish the address where he will be residing to the Officer-in-charge, Taherpur Police Station immediately after being released on bail and shall also appear before such Officer-in-Charge, where he will be residing, once in every week until further orders.
- 3) The petitioner shall not threaten the victim lady and her family members in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any 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 being CRM (DB) 1846 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)