

24.
04-07-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 1880 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnaganj Police Station Case No.64 of 2023 dated 21-02-2023 under Sections 376(2)(c)/506 of the Indian Penal Code.

- A n d -

In the matter of : Kitab Singh

.... Petitioner.

Mr. Arindam Jana,
Mr. Tapodip Gupta

... For the Petitioner.

Mr. Prasun Kumar Dutta,
Mr. Sayan Dev Kumar

... For the State.

Mr. Pradip Kumar Kundu

... For the defacto-complainant.

The petitioner renews his prayer for bail which was rejected earlier by an order dated July 21, 2023 passed in CRM (DB) 2861 of 2023.

The allegation is that the petitioner, a camp-in-charge of BSF, raped the victim lady, who was about 30 years old then. The petitioner was about 61 years old.

The petitioner denies the allegation. He says that he has been framed. He is in custody for over 1 year 5 months. Only 1 out of 34 witnesses has been examined till date. He prays for bail.

Learned advocates for the State and the defacto-complainant, while opposing the prayer for bail, draw to our attention the material in the Case Diary.

We have also seen the deposition of the victim lady who is the only witness who has been examined till date. The versions that she offers in her examination-in-chief and cross-

examination are completely different. If we are to go by her answers in cross-examination, the same are completely against the prosecution case.

In view of the aforesaid and also in view of the fact that the petitioner is in custody for a substantial period of time and there is no possibility of an early conclusion of the trial, we are inclined to allow this application.

Accordingly, we direct that the petitioner, namely, **Kitab Singh**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Sessions Judge, Fast Track 1st Court, Krishnagar, Nadia. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge of the said police station once in every fortnight until further orders. The petitioner shall not enter the jurisdiction where the victim girl resides except for the purpose of attending the court proceedings and meeting the concerned Officer-in-Charge, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1880 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)