

11.07.2024
Item no.66.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1884 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Nabagram Police Station Case No. 134 of 2024 dated 25.03.2024 under Sections 363/365 of the Indian Penal Code 1860 and under Section 323/342/376(2)(n) of the Indian Penal Code.

And

In the matter of : Rajat Mondal.

.....Petitioner.

Mr. Ali Ahasan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Ms. June Modak,
.....for the Petitioner.

Mrs. Anasuya Sinha, Ld. APP,
Mr. M.F.A. Beg,for the State.

Mr. Tapodip Gupta,
...for the de facto complainant.

Leave is granted to the learned advocate for the petitioner to correct the cause title of the bail petition.

The petitioner says that he is falsely implicated. There was a love affair between him and the victim lady. At the relevant time, he was about 23 years of age. The victim lady, a married person, was about 27 years old. Investigation is complete. He is in custody for about 108 days. He prays for bail.

Learned advocate for the State and the de facto complainant while opposing the prayer for bail, draw our attention to the material in the case diary. We have seen the victim lady's statement recorded under Section 164 Cr.P.C. the same prima facie does not support the prosecution case. There is nothing significant in the medical examination report. Investigation is complete.

On an overall assessment of the gravity and the nature of the alleged offence, the quality of materials on record, and keeping in mind that investigation is complete, in our view further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner namely **Rajat Mondal** 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, Lalbagh, Murshidabad 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)