

27.06.2024
Item no. 41.
Court No.28.
AB
(Allowed)

CRM (DB) 1933 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.1018 of 2023 Dated 26.12.2023 under Sections 376 of the Indian Penal Code

And

In the matter of : Jishnu Shakhari @ Guddu Shakhari

.....Petitioner.

Ms. Minoti Gomes,
Mr. Samrat Paul for the Petitioner.

Ms. Z. N. Khan,
Ms. Baishakhi Chatterjee.....for the State.

Mr. Sourav Mukherjee for the Victim Girl.

The petitioner says that there was a relationship between him and the victim girl. He has been framed in this matter. Everything that was done was by mutual consent. He is in custody for 114 days. Investigation has been completed. Charge sheet has been filed. His continued detention is not necessary.

Learned Advocates for the State and the victim girl oppose the prayer for bail.

We find that the material in the case diary prima facie does not wholly support the prosecution case. The medical report is also not in support of the prosecution case.

Since investigation has been completed and on an overall assessment of the material in the case diary and the

possible extent of complicity of the petitioner in the alleged offence, we are inclined to allow the application for bail.

Accordingly, we direct that the petitioner, namely **Jishnu Shakhari @ Guddu Shakhari** 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.)

