

27.06.2024
Item no.42.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 1940 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 21.06.2024 in connection with Goghat Police Station Case No. 164 of 2024 dated 04.04.2024 under Sections 376 (2) (1) of the Indian Penal Code.
And

In the matter of : Kuntal Ghosh.

.....Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Ms. Labani Sikder.....for the Petitioner.

Mr. Debabrata Chatterjee,
Ms. Kanchan Roy,for the State.

Mr. Mujifar Ali Naskar,
...for the de facto complainant.

The petitioner says that the instant complaint was lodged as a result of miscommunication between the concerned parties. There was a marriage proposal and negotiation between the petitioner and the victim lady. This, the complainant who is the aunt of the victim lady, did not know.

The aunt in her complaint stated that she went to the victim lady's house and found the door of her bedroom locked. Later she went inside. She found the petitioner and the victim lady in compromising position. Hence, she lodged the complaint.

The petitioner produces before us certified copy of an affidavit affirmed by the de facto complainant and the mother of the victim lady which supports the case of the petitioner.

Learned advocate for the State says that he has no specific instructions in that regard. However, charge-sheet has been filed after completion of investigation.

Considering the facts and circumstances of the case and taking into consideration the submission made by learned advocate for the de facto complainant, we are of the view that further detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner namely **Kuntal Ghosh** 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, Arambagh, Hooghly 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.)