

53.
Court
No.28

04.07.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2010 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 **Mogra Police Station Case No. 100 of 2024** dated **15.03.2024** under Sections **341/447/323/307/354B/363/365/506/34/376** of the Indian Penal Code.

And

In the matter of: - **Raj Pandey @ Raj Panday**

...petitioner.

Mr. Suman Chakraborty, Adv.

...for the petitioner.

Mr. Binoy Panda, Adv.,
Mr. Atanu Ghosh, Adv.

...for the State.

The petitioner says that he is falsely implicated in this case. The material on record would not bear out the charge of rape or the other charges. He is in custody for 104 days. Charge-sheet has been filed upon completion of investigation. He prays for bail.

Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the victim’s statement recorded under Section 164 of the Code of Criminal Procedure, 1973 / Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023. The same is very general in nature. The medical report does not support the prosecution case.

In view of the aforesaid, particularly since investigation is complete, we are inclined to allow this application for bail.

Accordingly, we direct that the petitioner, namely, **Raj Pandey @ Raj Panday** 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 learned Chief Judicial Magistrate, Hooghly, subject to condition that 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.

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) 2010 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.)