

16.08.2024
Item no.14.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2030 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Barjora Police Station Case No. 87 of 2023 dated 22.05.2023 under Sections 406/376 of the Indian Penal Code.

And

In the matter of : Dibyendu Adhurjya @ Kush.

.....Petitioner.

Mr. Sekhar Bose, Sr. Adv.,
Mr. Subhas Chandra Alha,
Mr. Kushal Kr. Mukherjee,
Ms. Payel Pramamick,for the Petitioner.

Mr. Binoy Kr. Panda,
Mr. Abhinaba Kukherjee,for the State.

Dictated by Partha Sarathi Sen, J.

1. A photocopy of the deposition of the victim lady filed on behalf of the State, be kept with the record.
2. It is submitted on behalf of the petitioner that the instant case is the outcome of a land dispute between the informant and the alleged victim lady wherein the present accused petitioner has been falsely implicated. It is further submitted that the victim lady has already been examined and cross-examined.

3. Learned advocate for the State, though opposes the prayer, but he does not dispute that the victim has already been examined.
4. On perusal of the entire materials as placed before us, we find that admittedly, there were some disputes between the informant (victim) and the present accused petitioner over a piece of land. We find that the examination of the victim lady is over. The present accused petitioner is languishing in jail custody for the last 228 days.
5. In that view of the matter, we find no reason to keep the present accused petitioner in further detention.
6. Accordingly, we direct that the petitioner, namely **Dibyendu Adhurjya @ Kush** 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 Chief Judicial Magistrate, Bankura on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.
7. 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.

8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)