

25.
Court
No.28

27.08.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION
CRM (DB) 2228 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 **Sagardighi** Police Station Case **No.616/2023** dated **20.11.2023** under Section **376** of the Indian Penal Code.

And
In the matter of: - **Sri Amit Mondal**

Mr. Asif Dewan

...petitioner.

Mr. Prasun Kr. Dutta, Ld. APP

...for the petitioner.

Ms. Jonaki Saha

...for the State.

Dictated by Arijit Banerjee, J.

- Affidavit of service filed in Court today be kept with the records. We find that the victim lady has been served. However, nobody appears for her.
- The petitioner says that he is in custody for 175 days. He had a love affair with the victim lady who is 19 years of age and is married. Investigation is complete. No useful purpose will be served by detaining him in custody any further.
- Learned Additional Public Prosecutor, while opposing the prayer for bail, draws our attention to the material in the case diary.
- We have seen the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, 1973. We have also seen the medical report.
- On an overall consideration of the material on record and the possible extent of complicity of the petitioner in the alleged offence and considering that investigation is complete and the

petitioner is in custody for quite some time, we are of the view that further custodial detention of the petitioner is not necessary. Hence, we allow the petitioner's prayer for bail.

6. Accordingly, we direct that the petitioner, namely, **Sri Amit Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad, 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.
7. 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 his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 2228 of 2024 is accordingly disposed of.
9. 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.)

(Bivas Pattanayak, J.)