

02.8.2024
Ct. No. 6
SL No. 34
SB

C.R.M. (DB) 2379 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliganj** P.S. Case No. **509** of **2023** dated **02.8.2023** under Sections 365/34 of the Indian Penal Code subsequently charge sheet submitted under Sections 365/368/34 of Indian Penal Code with adding Section 376 of the Indian Penal Code.

And

In the matter of: Bidyut Mondal alias Bidur Mondal

Mr. Kusal Kr. Mukherjee

Ms. Suchismita Dutta

...for the Petitioner

Mr. Iqbal Kabir

Ms. Payel Ghosh

....for the State

1. Petitioner is in custody for 254 days. He is not the principal accused.

He prays for bail. He submits victim is a major lady and the allegation of forcible rape and trafficking is out and out false. He prays for bail.

2. Learned lawyers for the State opposes the prayer for bail.

3. We have considered the materials on record. We have also examined the statement of the victim. She alleged petitioner had recorded obscene videos on his mobile phone and blackmailed her. She was taken to Bangalore where she was subjected to the prostitution. During investigation no incriminating electronic record has been recovered from the petitioner. Credibility of the statement of the victim requires to be assessed in light of the aforesaid circumstance during trial.

4. In the light of the aforesaid and as investigation is complete and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner 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 Sessions Judge, Nadia subject to the condition that the petitioner shall appear

before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on condition petitioner while on bail shall not enter the jurisdiction to the Officer-in-Charge, Kaliganj Police Station except for the purpose of attending Court proceeding and shall report to the Officer-in-Charge, Kaliganj Police Station once in a week until further order.

6. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

7. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)