

16.08.2024

Court No.29

Item No. 10

Allowed

ar

CRM (A) 2799 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domkal Police Station Case No. 288 of 2024 dated 16.05.2024 corresponding to G.R. Case No. 2467 of 2024 under Sections 448/376/506 of the Indian Penal Code.
And

In Re: **Rajesh Karmakar**

Petitioner

Md. Mokaram Hossain

For the Petitioner

Mr. Subhamay Bhattacharya
Ms. Trisha Rakshit

For the State

Mr. Kinsuk Mondal
Mr. Partha Sarathi Mondal

For the Victim

1. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case.
2. Learned counsel for the State has produced the case diary.
3. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and also having regard to the statement of the victim recorded under Section 164 Cr.P.C prima facie shows that the petitioner was talking term with the victim and medical report prima facie does not suggest ingredients of Section 376 I.P.C and also having regard to the fact that charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rajesh Karmakar** 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, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Berhampore, Murshidabad, corresponding to G.R. Case No. 2467 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)

