

22.08.2024
Item no. 80.
Court No.28.
AB
(Allowed)

CRM (DB) 2597 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with Pursurah Police Station Case No.112 of 2024 Dated 13.04.2024 under Sections 448/ 376 (2)(n)/506 of the Indian Penal Code

And

In the matter of : Chandan Adhikari Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Ms. Laboni Sikdar for the Petitioner.

Mr. Prasun Kr. Dutta,
Mr. Debanik Das for the State.

Mr. Sauradeep Dutta for the Victim.
(Through legal aid)

Dictated by Arijit Banerjee, J.

1. Leave is granted to learned Advocate on record for the petitioner to correct the cause title of the bail petition.
2. The petitioner says that he has been framed in this matter. There was a longstanding relationship between the petitioner and the victim lady, who is a married person. False allegation has been made after the husband of the victim lady has come to know of the relationship. The petitioner is in custody for 105 days. Charge sheet has been submitted upon completion of investigation. Further custodial detention of the petitioner is not necessary.

3. Opposing the prayer for bail, learned Advocates for the State and the defacto complainant draw our attention to the statement of the victim lady recorded under Section 164 Cr.P.C. We have also seen the medical report.
4. The material in the case diary prima facie does not necessarily support the prosecution case. In any event, investigation is complete. In our view, it is not necessary to detain the petitioner in custody any further as he has already suffered incarceration for about three and half months. Therefore, we allow this application for bail.
5. Accordingly, we direct that the petitioner, namely **Chandan Adhikari** 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner shall appear before the trial court on every date of hearing until further orders 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.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)