

94.
06-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2903 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Haringhata Police Station Case No.371 of 2024 dated 15-07-2024 under Sections 376/417 of the Indian Penal Code.

- A n d -

In the matter of : Samiran Mondal

.... Petitioner.

Mr. Shibaji Kumar Das,
Mr. Dipyendu Sarkar,
Ms. Deblina De

... For the Petitioner.

Mr. Ashok Das

... For the State.

Dictated by Arijit Banerjee, J.

Affidavit-of-Service filed in Court today be kept with the records. In spite of service, nobody appears for the defacto complainant/victim.

The petitioner says that he has been falsely implicated. There was an amorous relationship between him and the victim lady. They both studied together. The complaint has been lodged one and a half years after the alleged incident. This is obviously because the petitioner refused to give in to the victim lady's request to marry her.

Opposing the prayer for bail, learned advocate for the State 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.

We find some substance in the contention of the petitioner as recorded above. Investigation is complete. We do not see any further justification for detaining the petitioner in judicial custody.

Accordingly, we direct that the petitioner, namely, **Samiran Mondal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Kalyani, Nadia. The petitioner shall appear before the learned trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every fortnight, until further orders.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2903 of 2024 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)