

19.11.2024
Item no. 53.
Court No.29.
AB
(Allowed)

CRM (DB) 3174 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Hanskhali Police Station Case No.171 of 2022 Dated 01.03.2022 under Section 376D of the Indian Penal Code

And

In the matter of : Bappa Biswas & Anr.

.....Petitioners.

Ms. Minoti Gomes,
Ms. Shanta Sarkarfor the Petitioners.

Mr. Joydeep Roy,
Mr. Sharequl Haquefor the State.

Mr. Santanu Talukdar
Mr. Sourav Mukherjeefor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioners renew their prayer for bail, which was rejected on four occasions earlier. The renewal is primarily on the touchstone of Article 21 of the Constitution of India.
2. The petitioners say that they are in custody for over two years and six months. Only 1 out of 11 charge sheet named witnesses has been examined. There is no possibility of an early conclusion of the trial.
3. Opposing the prayer for bail, learned State Counsel and learned Advocate for the defacto complainant draw our attention to the material in the case diary. We have seen

the first information report, the statement of the victim recorded under Section 164 Cr.P.C. as well as the medical report. The medical report, prima facie, does not advance the prosecution case.

4. On an overall consideration of the quality of material on record as also the lengthy custodial detention of the petitioners coupled with the fact that there seems to be no real possibility of an early conclusion of the trial, given the pace at which the trial is progressing, we are constrained to allow the petitioners' prayer for bail.
5. Accordingly, we direct that the petitioners, namely **Bappa Biswas** and **Pratul Chand** shall be released on bail upon furnishing a bond of Rs.10,000/-each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat at Nadia, and on further conditions that they shall not enter the jurisdiction of Hanskhali Police Station except for attending the court proceedings and shall remain within the jurisdiction of Ranaghat Police Station and shall meet the Officer in Charge of the Ranaghat Police Station once in a week until further orders.
6. The petitioners 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 petitioners fail to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioners' 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)