

43.
Court
No.28

04.10.2024

(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3028 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Domkal** Police Station Case **No.178/2023** dated **17.3.2023** under Sections **376(2)(1)/506** of the Indian Penal Code. Charge-sheet submitted under Sections **448/376(2)(1)/506/34** of the Indian Penal Code.

And

In the matter of: - **Eksad Sk @ Ekchhad Mondal**

Mr. Arnab Chatterjee
Ms. Poulami Bose
Ms. Dhanasree Biswas

...petitioner.

Mr. Atif Ahmed Siddqui

...for the petitioner.

Mr. Sujoy Sarkar

...for the State.

...for the *de facto* complainant.

Dictated by Apurba Sinha Ray, J.

1. Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He is aged about 69 years. There is nothing on record from which the present petitioner can be entangled in this case. However, as the investigation is complete and charge has already been framed, the petitioner may be enlarged on bail on any condition that this Court may decide.
2. Learned Counsel for the State opposes the prayer for bail. According to him, there are sufficient incriminating materials against the present petitioner.

3. Learned Counsel appearing on behalf of the *de facto* complainant has left the matter to the discretion of this Court.
4. We have considered the materials on record. It appears that the learned First-Class Judicial Magistrate reported that due to mental instability of the victim, her statement under Section 164 of the Code of Criminal Procedure, 1973, could not be recorded. We have also gone through the other materials on record wherefrom it appears that there is no chance of an early conclusion of the trial.
5. In view of the above, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Eksad Sk @ Ekchhad Mondal** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the

Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

8. The application for bail being CRM (DB) 3028 of 2024 is accordingly disposed of.
9. Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)