

CRM (DB) 3107 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Arambagh Police Station** Case No. **326 of 2024** dated **19.06.2024** under Sections **363/376(2)(1)** of the Indian Penal Code.

- A n d -

In the matter of : Durga Dolui

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal,
Ms. Labani Sikdar,

... For the Petitioner.

Mr. Bibhaswan Bhattacharya,
Mr. T. Dhali,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Affidavit of service filed in Court today be kept with the record.
2. The petitioner says that he has been falsely implicated in this case. The story run by the prosecution is highly improbable. The allegation is that while the parents of the victim lady, 28 years of age, was sleeping in the house at night, the petitioner and other accused persons went to that house and abducted the victim lady. Thereafter, they took her to some other place and ravished her. Then this petitioner brought back the lady to her house. The petitioner says that he is in custody for 153 days. Investigation is complete. His further custodial detention is not necessary.
3. Learned Advocates for the State and the defacto complainant strongly oppose the bail prayer. They say that the victim is a specially abled lady, who can neither hear nor speak. Taking advantage of her disabilities, the accused persons have

raped her. Learned Advocates draw our attention to the statement of the victim lady recorded under Section 164 of the Cr. P. C. with the help of Special Educator.

4. We have considered the facts and circumstances of the case. Investigation is complete. Charge is yet to be framed. There are 16 charge sheet named witnesses. There is little chance of early conclusion of the trial.

5. Considering the above facts and circumstances of the case, we are of the view that further custodial detention of the petitioner is not necessary and his prayer for bail is allowed.

6. Accordingly, we direct that the petitioner, namely, **Durga Dolui**, 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 subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Arambagh Police Station and shall provide his current address where he will reside to the officer-in-charge of the Arambagh police station and shall meet the officer-in-charge of the concerned police station of the area where he will presently reside once in a fortnight until further orders.

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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)