

CRM (DB) 3407 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 **Tarakeswar Police Station** Case No. **190 of 2024** dated **12.06.2024** under Sections **376(2)(j)(1)** of the Indian Penal Code.
- A n d -

In the matter of : Rahul Roy

.... Petitioner.

Mr. Abhra Mukherjee,
Mr. Sauradeep Dutta,
Mr. S. Kumar,
Mr. H. Ghosh,

... For the Petitioner.

Mr. Debasish Roy,
Mr. Arijit Ganguly,
Mr. Koushik Kundu,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Learned Counsel for the petitioner submits that the petitioner is in custody for 171 days. Investigation is complete and further there is nothing on record to implicate this petitioner in this case. He has been falsely implicated in this case. As the investigation is complete he may be granted bail on any condition.

2. Learned Advocate for the State opposes the bail prayer. He submits that the victim is a deaf and dumb lady and she became pregnant due to such unwarranted intercourse between herself and the petitioner. If the petitioner is enlarged on bail, the prosecution may suffer a lot.

3. We have considered the statement of the victim. The victim did not state the name of the petitioner and there is nothing on record to show that the petitioner has been identified as the offender. However, investigation is complete and charge has not been framed till now and since there is no chance of an early

conclusion of trial (there are 26 charge sheet named witnesses), we are inclined to enlarge the petitioner on bail.

4. Accordingly, we direct that the petitioner, namely, **Rahul Roy**, 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, Chandannagore, 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 leave the jurisdiction of concerned Police Station and shall meet the officer-in-charge of the concerned police station once every week until further orders.

5. 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.

6. The application for bail is, accordingly, allowed.

7. 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.)