

22.10.2024
Ct. No. 8
SL No. 37
NB / SB

C.R.M. (DB) 3582 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure correspondence under Section 483 of B.N.S.S. 2023 in connection with Newtown P.S. Case No. 132/2024 dated 21.5.2024 under Sections 376/417/323/506 of the Indian Penal Code.

And

In the matter of: Pranab Saha @ Pronab Saha

Mr. Debasis Kar
Mr. Arka Tilak Bhadra ...for the Petitioner

Mr. Arijit Ganguly
Ms. Puspita Sahafor the State

1. This is an application for bail under Section 439 of the Code of Criminal Procedure correspondence under Section 483 of B.N.S.S. 2023 in connection with Newtown P.S. Case No. 132/2024 dated 21.5.2024 under Sections 376/417/323/506 of the Indian Penal Code.
2. Affidavit of service filed as regards service upon the victim lady is taken on record and kept in a sealed cover.
3. Learned counsel appearing on behalf of the petitioner submits as follows. It is a case of a love affair between the 22 years old petitioner and the 16 years old victim girl turning sour. As would appear from the statement of the mother of the victim girl that the two were having an affair and on the particular day they both consumed liquor although thereafter, the mother goes on to say that the victim was raped against her will. The petitioner is already in custody for about five months and a charge sheet has been submitted.

4. Learned counsel appearing for the State opposes the prayer for bail and relies on the case diary and the statement of the victim recorded both by the police and before the learned Magistrate as well as on the medical report and the birth certificate.
5. Even if the victim girl had consumed liquor, it would give no licence to the petitioner to commit such act upon her. Moreover, the victim was admittedly a minor at the time of occurrence.
6. However, considering the incarceration of the petitioner in custody for about five months and upon perusal of the materials available in the case diary, we are inclined to allow the application for bail to the petitioner subject, however, to certain restrictions put on the movement of the petitioner.
7. Accordingly, the petitioner namely, Pranab Saha @ Pronab Saha 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 Chief Judicial Magistrate, Barasat subject to the conditions that the petitioner shall remain within the jurisdiction of the Newtown Police Station where he presently resides and shall not go beyond the same without the leave of the learned Trial Court, except for attending the Court proceeding, co-operating with the investigation and for any urgent medical requirement in which event he would intimate the same to the Investigating Officer in advance. He shall also not intimidate or threaten witnesses or tamper with evidence in any manner whatsoever.
8. In the event if he fails to comply with the above conditions, without any justifiable cause, the Trial Court shall be at liberty to

cancel his bail automatically without any further reference to this Court.

9. Criminal Section is directed to supply certified copy of this order, if applied for, be given to the parties upon completion of requisite formalities.

(Biswaroop Chowdhury, J.)

(Jay Sengupta, J.)