

46.
24-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3738 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Thanarpara Police Station Case No.101 of 2023 dated 22-05-2023 under Section 376 of the Indian Penal Code.

- A n d -

In the matter of : Saiful Sk

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Abdul Aziz Mondal

... For the Petitioner.

Mr. Bitasok Banerjee,
Mr. Arup Sarkar

... For the State.

Dictated by Partha Sarathi Sen, J.

1. Affidavit-of-Service filed on behalf of the petitioner in Court today is taken on record.

2. The present accused petitioner is renewing his prayer for bail after the last order of rejection dated November 30, 2023. It is submitted on behalf of the petitioner that the present accused petitioner is falsely implicated in the instant case and he is languishing in Judicial Custody for more than one year seven months. It is further submitted that there is no progress in the trial, though charge has been framed on April 25, 2024.

3. Learned advocate for the State opposes the prayer for bail.

4. On perusal of the entire material in the Case Diary, we find some incriminating material against the present accused petitioner, especially in the statement of the victim lady as recorded under Section 164 of the Code of Criminal Procedure. However, considering the fact that investigation is

complete and further that there is nothing significant in the medical report, we are of the view that further custodial detention of the present petitioner may not be necessary. The prayer of the petitioner for bail is, thus, allowed.

5. Accordingly, we direct that the petitioner, namely, **Saiful Sk**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two registered sureties of like amount each, to the satisfaction of learned Additional Chief Judicial Magistrate, Tehatta, Nadia. The petitioner shall appear before the trial Court on every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Thanarpara Police Station except for the purpose of attending the court proceedings and meeting the Officer-in-Charge/Inspector-in-Charge of the said police station and shall report to the Officer-in-Charge/Inspector-in-Charge of Thanarpara Police Station once in every fortnight until further orders. The petitioner shall inform, through his learned advocate, the learned trial Court and the Officer-in-Charge/Inspector-in-Charge of Thanarpara Police Station his current local address where he shall be residing while on bail.

6. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail in accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.

8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)