

49.
24-12-2024
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3773 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 Amdanga Police Station Case No.503 of 2022 dated 24-09-2022 under Section 376D of the Indian Penal Code.

- A n d -

In the matter of : Mahadev Pramanik @ Bukut
.... Petitioner.

Mr. Tathagata Majumdar,
Ms. Neha Chakraborty
... For the Petitioner.

Mr. Debasish Roy, learned Public Prosecutor,
Mr. Bidyut Kumar Roy,
Mr. Debarshi Brahma
... For the State.

Dictated by Partha Sarathi Sen, J.

1. Affidavit-of-Service filed on behalf of the petitioner is taken on record. In spite of service, none appears on behalf of the victim/defacto complainant.

2. It is submitted on behalf of the petitioner that the present accused petitioner is languishing in Judicial Custody for about 820 days. It is further submitted that though charge was framed on January 17, 2023, as on this date, out of 23 witnesses, only 2 witnesses have been examined. It is, thus, contended that considering the prolonged detention of the present petitioner, the instant application for bail may be considered favourably.

3. Prayer for bail is opposed on behalf of the State. Attention of this Court is drawn to page no.53 of the instant bail application being the copy of the deposition of the victim girl who adduced evidence before the learned trial Court as PW 1. It is submitted by Mr. Roy, learned counsel for the

State, that in her deposition, the victim has categorically implicated the present accused petitioner with regard to the alleged crime.

4. We have meticulously gone through the entire material as placed before us. We have also perused the deposition of PW 1. *Prima facie*, there are incriminating materials against the present petitioner. However, considering the delayed progress of the trial and also considering the long detention of the present accused petitioner, we are inclined to enlarge the petitioner on bail, especially when there is no certainty as to when the trial would come to a logical conclusion. We noticed that the victim has already been examined.

5. Accordingly, we direct that the petitioner, namely, **Mahadev Pramanik @ Bukut**, 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 Chief Judicial Magistrate, Barasat. 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 remain within the jurisdiction of local police station and shall report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every fortnight until further orders.

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.)