

09. 20.12.2024
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 4004 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Durgapur Women Police Station Case No.15/2024** dated **30.3.2024** under Sections **323/325/417/420/376(2)(n)/313/354C/384/506/34** of the Indian Penal Code.

And

In the matter of: - **Ranjan Roy**

...petitioner.

Mr. Achyut Basu
Mr. Debanjan Chatterjee
Ms. Punam Basu
Mr. Anirban Saha
Ms. Pritha Biswas
Mr. Tirtharaj Ghosal
Mr. Amritangshu Sengupta

...for the petitioner.

Mr. Md. Adil Badr, Jr. Govt. Adv.
Mr. Anindya Sundar Chatterjee

...for the State.

Mr. Debanshu Ghorai

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated in this case of alleged rape. There was a longstanding amorous relationship between the petitioner and the victim lady/*de facto* complainant. Once the relationship turned sour, this false complaint has been lodged. For four years there was a love relationship between them.

2. He further says that he is in custody for 98 days. Investigation is complete. Charge-sheet has been filed. His further custodial detention is not necessary.
3. Opposing the prayer for bail learned Advocates for the State and the *de facto* complainant say that the charge is serious. They draw our attention to the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, 1973.
4. We have considered the material on record. There is nothing significant in the medical report. Both the petitioner and the *de facto* complainant are Advocates. It appears that they met when they were both pursuing the LLM course at Kazi Nazrul Islam University in Asansol and a relationship developed between them. For some reason it appears that such relationship turned assiduous and thereafter this present complaint was lodged. We are of the view that since there is no possibility of the petitioner fleeing from justice and he has deep roots in the society, no useful purpose will be served by continuing to detain him in judicial custody since investigation is complete and charge-sheet has been filed. Hence, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Ranjan Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial

Magistrate, Durgapur, subject to condition that the petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall not enter the territorial jurisdiction of Durgapur Women Police Station except for the purpose of attending Court proceedings, until further orders.

6. In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.
7. The application for bail being CRM (DB) 4004 of 2024 is accordingly disposed of.
8. Criminal Section is directed to make available urgent photostat certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)