

03.05.2024
Court No.01
Item No. 30

Allowed

sg

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI

CRM (DB) 211 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.387 of 2023 dated 05.08.2023 under sections 363/365 IPC and charge sheet filed under sections 363/365/376/506 IPC.

And

In Re: **Ramen Das**

Petitioner

Mr. Sourav Ganguly
Ms. Rishita Chakraborty
Mr. Gopal Roy

For the Petitioner

Mr. Nilay Chakraborty
Ms. Namrata Das
Mr. Biswarup Roy

For the State

1. It is submitted on behalf of the petitioner that the allegation made in the FIR is out and out false in view of the fact that the victim being a married major lady was a consenting party to the alleged co-habitation.
2. The learned Counsel for the State opposes the prayer for bail.
3. We have perused the written complaint, statement of the victim recorded under Section 164 Cr.PC and other materials as available in the CD. Charge sheet is submitted. We thus, find no reason for further detention of the present accused petitioner for the purpose of investigation and the petitioner may be granted bail.

4. We direct that the petitioner, namely, **Ramen Das**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, to the satisfaction of the learned Additional District and Sessions Judge, Fast Track Court-I, Alipurduar, with a condition that the petitioner shall appear before the learned Trial Court on the date of consideration of charge and thereafter to appear on each and every date of substantive hearing subject to the provision of Section 317 of the Criminal Procedure Code if charge is framed against him and the petitioner shall not tamper with evidence and/or induce or intimidate the witness in any manner whatsoever. In the event of non-compliance of any of the conditions, the learned Trial Court shall issue non-bailable warrant of arrest against the present petitioner.
5. The prayer for bail of the petitioner is allowed. CRM(DB)/211/2024 is, accordingly, disposed of.
6. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)