

Item no.51.

S. De

CRM (DB) No. 665 of 2025

And

Mr. Arnab Chatterjee,
Mr. Hiranmoy Debnath,
Ms. S. Manna,for the Petitioner.

Dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner has submitted that the petitioner has been in custody for about 151 days. He was not identified in the Test Identification Parade as well as at the time of deposition of the victim girl. He has drawn our attention to the deposition of the victim girl where it has been clearly recorded that she did not identify the present petitioner Rahul Roy. Learned counsel for the petitioner has prayed for granting bail to the petitioner on any condition.
2. Learned counsel for the State opposes the prayer for bail. He has drawn our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. He has submitted that there are sufficient incriminating materials against the petitioner. Moreover, today, in another case, the bail prayer of the accused Raja Ghosh was rejected by this Court.

3. We have considered the materials-on-record. It appears that neither in the test identification parade nor in the deposition of the victim girl, the present petitioner was identified. It is also true that today, we have rejected the bail prayer of the accused Raja Ghosh. The deposition shows that the victim girl identified the said accused Raja Ghosh on dock. The present petitioner is not similarly circumstanced with the accused Raja Ghosh and as he was not identified by the victim girl during test identification parade as well as during her evidence before the learned Trial Court, we are inclined to allow the prayer for bail of the petitioner on certain conditions.
4. Accordingly, we direct that the petitioner, namely, **Rahul Roy @ Amit Roy** 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 Additional Sessions Judge, Kalyani, Nadia subject to the condition that the petitioner shall remain within the jurisdiction of the concerned police station and shall meet the Inspector-in-Charge of the concerned police station once in a fortnight until further orders.
5. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
6. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

7. The application for bail is, accordingly, allowed.
8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)