

22.04.2025

Item No.20

Ct.No.34

rc.

Allowed

C.R.M. (DB) 973 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tapan Police Station Case No. 411 of 2024 dated 10.09.2024 under Sections 64(1)/351(3) of the Bharatiya Nyaya Sanhita, 2023.

And

In Re : **Amjad Sarkar**

... Petitioner

Mr. Debabrata Acharyya

Mr. Sital Samanta

... for the Petitioner

Mr. Anwar Hossain

Mr. Abhishek Verma

... For the State

Affidavit of service filed by the petitioner is taken on record.

None appears for the defacto complainant despite service.

Heard learned counsels for the parties.

The petitioner is in custody for about seven months and prays for bail.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated due to prior dispute between the parties. The doctor who examined the victim has stated that the petitioner tried to commit rape upon the victim. Nine witnesses out of nineteen witnesses have been examined. Further detention of the petitioner is not required.

Learned counsel for the State produces the Case Diary and opposes the prayer for bail.

It appears that the petitioner is in custody for about seven months. Though the alleged incident occurred in open field, there is no witness to the incident. Trial is in progress. Considering the material on record as well as extent of complicity of the petitioner in the alleged offence, this Court is of the view that further detention of the petitioner is not required and he may be granted bail.

Accordingly prayer for bail of the petitioner is allowed.

The petitioner **Amjad Sarkar**, be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Dakshin Dinajpur at Balurghat subject to condition that the petitioner shall appear before the learned trial Court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear on any date without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

Case Diary be returned.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)