

30. 06.01.2025
Court
No.29 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 3699 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 **Amta** Police Station Case **No.139/2024** dated **16.07.2024** under Sections **376(2)(n)/313/506** of the Indian Penal Code.

And

In the matter of: - **Soumyajit Panja**

...petitioner.

Mr. Soumya Basu Roy Chowdhuri

...for the petitioner.

Mr. Debabrata Chatterjee

Ms. Pritha Paul

...for the State.

Mr. Soumyajit Das Mahapatra

...for the *de facto* complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been falsely implicated. There is an amorous relationship between him and the victim girl. Since the victim's father initially did not approve of the relationship, the victim was pressurized to lodge a false complaint. He is in custody for 175 days. He prays for bail.
2. Our attention has been drawn to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. From such statement of the victim girl, there seems to be some support for the case of the petitioner.

3. Learned Advocate for the *de facto* complainant also does not oppose the petitioner's prayer for bail. Learned State Advocate, while opposing the prayer for bail, leaves the matter to the discretion of the Court.
4. On an overall assessment of the material on record and the period of detention of the petitioner and considering that charge-sheet has been submitted upon completion of investigation, in our opinion, further custodial detention of the petitioner is not necessary. Hence, we allow the petitioner's prayer for bail.
5. Accordingly, we direct that the petitioner, namely, **Soumyajit Panja**, 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 Sessions Judge, (Special Court), 1st Court, Uluberia, Howrah, 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.
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) 3699 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.)