

26.
07-02-2025
(ct. no.29)
debajyoti
(allowed)

CRM (DB) 3986 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Malda Police Station Case No.34 of 2024 dated 18-01-2024 under Sections 450/376(2)(1)/506 of the Indian Penal Code.

- A n d -

In the matter of : Dhananjay @ Deba Karmakar

.... Petitioner.

Mr. Tapodip Gupta,
Mr. Suman Bhanja

... For the Petitioner.

Mr. Saryati Dutta,
Mr. Tirupati Mukherjee

... For the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State is taken on record. In spite of service, none appears on behalf of the victim/defacto complainant.

2. The petitioner renews his prayer for bail which was last rejected on September 03, 2024.

3. The petitioner says that the victim girl has now been examined before the learned trial Court. She does not implicate this petitioner to any extent. Further, credibility of her deposition is otherwise also in question.

4. Opposing the prayer for bail, learned State advocate draws our attention to the material in the Case Diary

including the medical report. The medical report is inconclusive. We have also seen the deposition of the victim girl. Learned advocate for the State says that the victim is a special child.

5. On an overall assessment of the material on record and the possible degree of complicity of the petitioner in the alleged offence and also considering that the petitioner is in custody for more than one year and examination of the vulnerable witnesses is over, we are of the view that further custodial detention of the petitioner is unnecessary.

6. Accordingly, we direct that the petitioner, namely, **Dhananjoy @ Deba Karmakar**, 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 learned Additional Sessions Judge, 1st Court, Malda. The petitioner shall appear before the trial Court on every date of hearing and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall not enter the jurisdiction of Malda Police Station except for the purpose of attending the court proceedings and shall appear before the Officer-in-Charge/Inspector-in-Charge of the jurisdictional police station once in a week where he shall be residing while on bail, until further orders. The petitioner shall, through his learned advocate, inform the learned trial Court, Malda Police Station and the jurisdictional police station under whose jurisdiction he shall be residing while on bail, his current local address. The petitioner shall not leave the geographical limits of the district Malda, until further orders.

7. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at

liberty to cancel the bail in accordance with law without further reference to this Court.

8. The application for bail is, thus, **allowed**.

9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

10. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)