

17.02.2025

Serial no. 69

[Dd]

(Bail **allowed**)

CRM (DB) 3993 of 2024

In re: An Application for **Bail** under Section **439** of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Tehatta** Police Station Case No. **111** of **2024** dated **18.02.2024** under Sections **376/365/354 and 34** of the Indian Penal Code, 1860.

-And-

In the matter of : Biman Biswas

... .. Petitioner

Mr. S. S. Mondal,
Ms. Arunima Das Sharma, Advocates
... .. *For the Petitioner*

Mr. Subhamoy Bhattacharya,
Mr. Arka Chakraborty, Advocates
... ..*For the State*

1. Petitioner prays for bail.
2. Learned advocate appearing for the petitioner submits that the petitioner is in custody in excess of 196 days. Police filed charge sheet. Therefore, further detention of the petitioner is not required.
3. Learned advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Criminal Procedure Code.
4. Affidavit-of-service filed in Court be taken on record.
5. None appears for the de facto complainant despite service.
6. Victim in her statement recorded under Section 164 of the Criminal Procedure Code implicates the petitioner in kidnapping and raping her on several dates.
7. The statement of the victim itself reports that she was exposed to members of the public at the time of the alleged incident of kidnapping. She was apparently taken

by a vehicle to a railway platform and by a train on a onward journey.

8. Both the petitioner and the victim are adults.
9. In such circumstances, we grant bail to the petitioner.
10. Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
11. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
12. The prayer for bail of the petitioner is **allowed**.
13. **CRM (DB) 3993 of 2024 is disposed of.**

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)