

09.01.2025

Item No.3

Ct.No.34

rc.

Allowed

C.R.M. (SB) 179 of 2024

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of Bharatiya Nagarik Suraksha Sanhita 2023 filed in connection with the Barasat Women Police Station Case No. 154 of 2024 dated 26th November, 2024 under Section 74/115(2) of the Bharatiya Nyay Sanhita, 2023.

And

In Re : **Diganta Chakraborty.**

... Petitioner.

Mr. Debajyoti Deb
Mr. Pabitra Biswas

... for the Petitioner.

Mr. Imran Ali
Ms. Jonaki Saha

... for the State.

Mr. Debrup Bhattacharjeefor the defacto complainant

Heard learned counsels for the parties.

Learned counsel for the State produces the Case Diary in connection with the subsequent complaint lodged by the private opposite party against the father of the petitioner. The complaint says that after being granted anticipatory bail, the petitioner's father offered money to the private opposite party and requested her to withdraw the complaint lodged against the petitioner and his father.

Learned counsels for the private opposite party/defacto complainant and the State submit that there was an incident of rape upon the private opposite party by the petitioner before about 1 and ½ years which is revealed

from the statement of the defacto complainant recorded under Section 164 of the Code of Criminal Procedure.

I have considered the submissions made on behalf of the parties as well as the material available in the Case Diary.

The petitioner is in custody for about 43 days. Investigation has proceeded with to a considerable extent.

The incident referred to in the statement recorded under Section 164 of the Code of Criminal Procedure occurred before about 1 and ½ years.

Considering the material available in the Case Diary and the period of detention of the petitioner as well as progress in investigation, this court is inclined to hold that further detention of the petitioner is not required for the purpose of custodial interrogation.

Accordingly, prayer for bail is allowed.

The petitioner 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, Barasat, North 24-Parganas subject to condition that the petitioner shall not enter the jurisdiction of Barasat Women Police Station and shall furnish the address where he shall henceforth reside before the Investigating Officer, the learned Trial Court and the Officer-in-Charge of the police station under whose jurisdiction he shall presently reside. The petitioner shall enter the jurisdiction of Barasat Women Police Station only for the purpose of meeting the

Investigating Officer once a week till submission of charge sheet. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

The application for bail, being CRM (SB) 179 of 2024, is, thus, disposed of.

Case Diary be returned.

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

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

(Suvra Ghosh, J.)