

In the Court of the Learned Special Judge (SC/ST Act)**Alipore, South 24-Parganas****SPL – 26 of 2026**

[Arising out of Tollygunge P.S. Case No. 151 dated 02.08.2026]

Under Sections 64/69/351(2) of the Bharatiya Nyaya Sanhita read with Sections 3(1)(r), 3(1)(s), 3(1)(w)(ii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act]

Present : Sri Rajesh Chakraborty (JO Code-WB00764)
Additional Sessions Judge, 1st Court, South 24 Pgs at Alipore

Order No. 11 dated 23.07.2026

The instant application for bail has been moved on behalf of the accused person, namely, Subhranil Ray. He is in JC.

It has been contended on behalf of the accused person that he has been falsely implicated in the instant case upon absolutely concocted allegations relating to the commission of rape without consent. It has further been submitted that the accused person has already undergone prolonged police custody and thereafter judicial custody and that during such judicial custody no further custodial interrogation has been prayed for by the Investigating Officer. It is further argued that there is no necessity for further detention of the accused person and that he has fully cooperated with the investigation till date and will continue to do so, if granted bail.

Learned Public Prosecutor appearing for the State as well as the learned Advocate appearing on behalf of the de facto complainant have vehemently opposed the prayer for bail contending that the safety and security and social prestige of the defacto complainant might be at stake at the instance of the accused person and his family members.

Heard the learned Advocates appearing for the respective parties. Perused the Case Diary and other materials available on record.

The allegations made against the accused person are undoubtedly serious in nature and relate to the alleged commission of rape upon the victim, even though the modality of the occurrence has varied from the FIR to the statement recorded by the Ld. Magistrate in terms of its place and manner. of occurrence. At this stage, this Court is not required to make any observation touching upon the merits of the prosecution case lest it may prejudice either of the parties during trial. The parameters governing grant of bail require the Court to strike a delicate balance between the personal liberty of the accused and the interests of a fair and unhindered investigation and trial.

Upon careful perusal of the materials collected during the course of investigation, it appears that the accused person has already undergone prolonged police custody. Thereafter, he has remained in judicial custody for a considerable period.

Significantly, during the period of judicial custody, no prayer has been made by the Investigating Officer seeking further custodial interrogation of the accused person. The photograph of the accused person while in judicial custody has already been collected by the Investigating Officer. It further appears from the Case Diary that the vital materials presently available have already been brought on record during the course of investigation and tampering those is admittedly beyond the control of the accused person or his family members or associates.

This Court further notices that there appears to be no scope for any further recovery from the possession of the accused person at this stage of investigation. The prosecution has not been able to satisfy this Court that continued detention of the accused person is indispensable for the purpose of further investigation. The necessity of custodial detention must be justified by the attending circumstances of each case and cannot be allowed to continue as a matter of course.

It has also transpired from the materials on record that the accused person is a practicing learned Advocate and the victim is a junior in the same field. Considering the professional background of the parties and the peculiar facts and circumstances of the case, this Court is of the view that while the liberty of the accused person deserves protection in accordance with law, adequate safeguards are equally necessary to ensure the safety, dignity and security of the de facto complainant and to preserve the sanctity of the evidence already collected as well as any evidence that may be adduced during the course of investigation and trial.

The settled principles governing grant of bail require the Court to consider, inter alia, the stage of investigation, the necessity of custodial interrogation, the likelihood of tampering with evidence, the possibility of influencing witnesses, chance of absconsion and the requirement of securing the presence of the accused during trial. Having regard to the progress of investigation made till date and considering that further custodial interrogation is not being sought by the Investigating Officer, this Court is of the considered opinion that further detention of the accused person is not warranted at this stage. However, the same must necessarily be balanced by imposing stringent conditions to safeguard the interests of the prosecution and the de facto complainant.

Accordingly, the prayer for bail of the accused person, namely, Subhranil Ray, is allowed.

Let the accused person, namely, Subhranil Ray be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Five Thousand only) with one surety to the satisfaction of the Learned Chief Judicial Magistrate, Alipore, South 24 Parganas, subject to the following conditions:

- 1) The accused person, his family members and associates shall not directly or indirectly, physically or digitally contact, communicate, influence, threaten, intimidate or attempt to communicate with the de-facto complainant or any of the prosecution witnesses in any manner whatsoever.
- 2) The accused person, his family members and associates shall not visit or remain present at any place where the de facto complainant ordinarily resides, works,

studies or undertakes her internship, as such presence is capable of causing any apprehension or inconvenience to her.

3) The accused person, his family members and associates shall not tamper with the evidence already collected or attempt to destroy, alter or influence any material evidence relating to the present case.

4) The accused person shall fully cooperate with the investigation and shall appear before the Investigating Officer as and when called upon by written notice.

5) The accused person shall furnish his present residential address and active mobile number before the learned Chief Judicial Magistrate, Alipore, and shall not change the same without prior intimation to the Investigating Officer.

6) The accused person shall not leave the territorial jurisdiction of India without obtaining prior permission from the learned Trial Court and for that he must deposit his passport with the IO till completion of the investigation.

7) The accused person shall remain present before the learned Trial Court on each and every date fixed henceforth unless his personal appearance is specifically exempted in accordance with law.

Any attempt on the part of the accused person to influence the de facto complainant, intimidate witnesses, tamper with evidence in any manner whatsoever or violate any of the aforesaid conditions shall entail cancellation of bail in accordance with law.

The Investigating Officer shall remain at liberty to approach the appropriate Court for cancellation of bail in the event of violation of any of the conditions imposed herein.

With the aforesaid observations and conditions, the bail application stands allowed.

Let a copy of this order be sent to the Learned Chief Judicial Magistrate, Alipore for information.

Let a copy of this order be also supplied to the Investigating Officer for information and necessary compliance.

Return the CD.

To date **(01.08.2026)** for appearance of the accused person, if on bail.

Dictated and corrected by me

Additional Sessions Judge,
1st Court, Alipore

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1st Court, Alipore.