

07.12.2020
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allowed

**CRM 9924 of 2020
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhimpur Police Station Case No. 190 of 2020 dated 20.08.2020 under Sections 448/376 of the Indian Penal Code.

And

In Re : Bappa alias Ranjit Sardar petitioner

Mr. Sourav Mukherjee

.....for the petitioner

Mr. S. G. Mukherjee, Learned P.P.

Mr. Parthapratim Das

Mrs. Manasi Roy

..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 104 days and investigation is complete. It is further submitted that allegation of forcible rape is patently absurd and inherently improbable in view of the fact that the son and other inmates were present at the place of occurrence.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape is to be assessed at the appropriate stage of the proceeding in the light of the aforesaid submission made on behalf of the petitioner.

In view of the aforesaid facts and circumstances of the case and as investigation is complete, we are inclined in granting bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnanagar, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)