

14.12.2020.
69.
as
(Partly
Allowed).

C.R.M. 10329 of 2019

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Margram P. S. Case No.111 of 2020 dated 09.09.2020 under Sections 448/376D/506 of the Indian Penal Code.

In the matter of : Arjun Mal & Ors.

... Petitioners.

Mr. Bitasok Banerjee,
Mr. B. Mitra.

...for the Petitioners.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Pradipta Kr. Ganguly.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioners that there is a civil dispute between the parties and they have been falsely implicated in the instant case.

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

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure implicates the petitioner No.1 in the alleged rape.

In view of the aforesaid incriminating materials against the petitioner no.1 in committing the alleged rape, we are not inclined to grant bail to the petitioner no.1.

Accordingly, the prayer for bail of the petitioner no.1 is rejected.

However, keeping in mind the extent of complicity of the petitioner nos.2 and 3 in the alleged crime and as the allegation of gang rape may be assessed in the light of the plea relating to false implication owing to pre existing enmity, we are inclined in granting bail to the petitioner Nos.2 and 3.

Accordingly, the petitioner Nos.2 and 3, namely, Samesha Mal @ Suresh Mal and Dilip Mal shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Rampurhat, Birbhum subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application, being C.R.M.10329 of 2019, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)

