

14.12.2020
tkm
sl no. 78

**C.R.M. 10348 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Gazole P.S. Case No. 392 of 2020 dated 28.8.2020 under Sections 448/376/506 of the Indian Penal Code
And

Allowed

In Re : Manoj Sarkar petitioner

Kazi M Rahman

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. There were prior relationship between the parties.

Learned lawyer for the State opposes the prayer for bail.

Allegation of forcible rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner.

In view of the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Malda on 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 10348 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)