

21.12.2020
Item no. 102
Court No.28
AB

C.R.M. No.10590 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.562 of 2020 Dated 26.10.2020 under Sections 341/325 376/511/506 of the Indian Penal Code

And

In the matter of:-

Sudip Sarkar

... Petitioner

Mr. S. Das

.. for the petitioner

Mr. Bidyut Kr. Roy,
Ms. Rita Dutta

..for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case over a petty dispute.

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

Allegation of forcible rape may be assessed in the light of the aforesaid submission on behalf of the petitioner. The victim refused medical examination.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 57 days, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, each of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, subject to the condition that he 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 in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)

