

07.09.2021
Serial no.11
Aloke
Ct. No.29

(Through Video Conference)

CRM 5702 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 26.08.2021 in connection with Murarai Police Station Case No. 49 of 2021 dated 13.04.2021 under Sections 341/376 and 506 of the Indian Penal Code.

And

In the matter of : Birat Konai

... ...Petitioner

Mr. Rajendra Banerjee, Advocate

... ... For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Rita Datta, Advocate

Ms. Puspita Saha, Advocate

... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that a delayed first information report was lodged by the victim lady inter alia under Section 376 of the Indian Penal Code. The victim lady refused to undertake medical test. She also refused to make over the wearing apparels.

Learned Advocate appearing for the State draws the attention of the Court to the contents of the case diary. On the query from the Court he submits that, victim lady not only refused to undertake medical test but also refused to record a statement under Section 164 of the Code of Criminal Procedure. He submits that the police submitted charge-sheet.

Considering the facts and circumstances of the case and considering the fact that the police submitted charge-sheet, 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, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Rampurhat, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/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 the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is allowed.

CRM 5702 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)