

14.06.2022
Sl. No.28
akd
[ALLOWED]

C. R. M. (DB) 1607 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.06.2022 in connection with Sandeshkhali Police Station Case No. 37 of 2022 dated 21.03.2022 under Sections 448/376/506 of the Indian Penal Code.

And

In Re: ***Mangal Munda***

... .. Petitioner

Mr. Kallol Kumar Basu
Md. Jannat UI Firdous

... .. for the petitioner

Mr. T. D. Nandy
Mr. Antarikhya Basu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 85 days. It is further submitted his wife was molested by one Sunil Sardar. She protested and was mercilessly assaulted. She suffered injuries. No complaint was entertained at the local police station. Hence, an application was filed under Section 156(3) of the Code of Criminal Procedure and criminal case came to be registered against Sunil Sardar. The instant case is a counter-blast to the aforesaid incident.

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

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submissions made on behalf of the petitioner. Injury report does not show marks of sexual violence. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mangal Munda***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas subject to condition that the said 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)