

14.06.2022
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allowed

CRM(DB) 1651 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 65 of 2022 dated 07.02.2022 under Sections 498A/376/511/34 of the Indian Penal Code.

And

In Re : Saidar Mondal @ Saidar Ali Mondal @ Chhaidar Ali Mondal petitioner

Mr. Sumanta Chakraborty
.....for the petitioner

Mr. Debabrata Chatterjee
Ms. Sonali Das
..... for the State

Petitioner is in custody for 73 days.

It is submitted by the learned Counsel appearing for the petitioner that the petitioner has been falsely implicated in the instant case due to matrimonial discord between the petitioner and her husband i.e. his son.

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

We have considered the materials on record including the statement of the victim girl. Allegation of rape is bereft by the material particulars regarding date and time.

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

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, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia, subject to the 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, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)