

27.06.2022
35
sdas
allowed

CRM(DB) 2017 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 154 of 2022 dated 11.05.2022 under Sections 448/376/323/307/354/379/34 of the Indian Penal Code.

And

In Re : Afajuddin @ Afajuddin Mondal petitioner

Mr. Soupal Chatterjee
Mr. Prosenjit Sarkar

.....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. Nirupam Dhali

..... for the State

Learned Counsel appearing for the petitioner submits that there was a free fight between the parties and the allegation of rape is out and out false. He is in custody for more than one month.

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

We have considered the materials on record. Statements of the witnesses show there was a free fight between the parties. Allegation of forcible rape is not supported by the injuries in the medical papers. Keeping in mind the aforesaid facts, 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, one of whom must be local, to the satisfaction of the learned Additional

Chief Judicial Magistrate, Chanchal, Malda, 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.)