

29.06.2022.
55.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2044 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ratua P. S. Case No.302 of 2021 dated 19.06.2021 under Sections 448/376 of the Indian Penal Code.

In the matter of : Rajpati Mandal.

.... Petitioner.

Mr. Sandip Chakraborty.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta.

...for the State.

Heard the learned Counsel appearing on behalf of the petitioner.

Petitioners are in custody for about 96 days. It is submitted he had lodged a criminal case against the victim lady and her husband. In retaliation, the present case has been lodged.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. A prior criminal case was lodged by the petitioner against the victim lady. Possibility of false implication owing to pre-existing enmity cannot be ruled out.

Under such circumstances and the period of detention suffered by the petitioner i.e. 96 days and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)