

20.07.2022
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allowed

CRM(DB) No. 2386 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 318 of 2022 dated 11.04.2022 under Section 376 of the Indian Penal Code.

And

In Re : Premchand Debnath petitioner

Mr. Khalid Hasan
.....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Ms. Debjani Dasgupta
..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 97 days. It is also submitted that the allegation of forcible rape is out and out false. Investigation is complete.

Learned Counsel 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 attending facts and circumstances of the case.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, 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, Ranaghat, Nadia, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)