

25.07.2022
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allowed

CRM(DB) No. 2438 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chakdah Police Station Case No. 43 of 2022 dated 13.01.2022 under Sections 448/323/376/511/34 of the Indian Penal Code.

And

In Re : Sujan Das petitioner

Ms. Rupsa Sreemani

.....for the petitioner

Mr. P. K. Datta, learned APP

Mr. Subrato Roy

..... for the State

Learned Counsel appearing for the petitioner submits that petitioner is in custody for 31 days. It is also submitted that there is enmity between the parties. Case and counter case were registered between the parties.

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

We have considered the materials on record. Allegation of attempt to rape requires to be assessed in the light of the aforesaid submission relating to prior enmity and registration of case and counter case between the parties.

Under such circumstances and in view of period of detention suffered by the petitioner, 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, Kalyani, 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.)