

26.07.2022
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 2473 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.07.2022 in connection with Murshidabad Police Station Case No. 338 of 2022 dated 15.06.2022 under Sections 376(2)(f)/511/325 of the Indian Penal Code and charge-sheet submitted under Sections 376(2)(f)/511/323 of the Indian Penal Code.

And

In Re: ***Shyamal Hazra***

... .. Petitioner

Mr. Asim Kumar Chakraborti

... .. for the petitioner

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 42 days. It is further submitted there is a matrimonial dispute between the petitioner and the mother of the victim girl. It is also submitted petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record. Possibility of false allegation in view of pre-existing dispute between the petitioner and the mother of the victim girl cannot be wholly ruled out. Keeping in mind the aforesaid facts, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely ***Shyamal Hazra***, 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, Lalbagh, Murshidabad subject to condition

that the said 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Murshidabad Police Station except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

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 automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)