

03.08.2022
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allowed

CRM(DB) No. 2599 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 391 of 2022 dated 21.06.2022 under Sections 341/376/511/325/506/34 of the Indian Penal Code.

And

In Re : Rupchand Sk. @ Kalu Sk. petitioner

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

.....for the petitioner

Mr. Debabrata Chatterjee, learned APP

Ms. M. Sarkar

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 40 days. It is also submitted that there was a quarrel amongst neighbours and case and counter case came to be registered. Petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner molested the victim and assaulted her.

We have considered the materials on record including statement of the victim recorded under Section 164 of the Code of Criminal Procedure. We have also considered the submission that there was a dispute amongst neighbours and case and counter case have been registered.

Keeping in mind the aforesaid facts, we are of the opinion though further detention of the petitioner may not be necessary

movement of the petitioner requires to be restricted in order to instil confidence in the mind of the victim and to prevent commission of similar offences.

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 Chief Judicial Magistrate, Krishnanagar at 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 and on further conditions that the petitioner shall not enter into the jurisdiction of Kaliganj Police Station and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge concerned 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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)