

04.08.2022
cm/ct 28
sl no. 19

C.R.M. (DB) 2602 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Marishda P.S. Case No. 127 of 2022 dated 01.07.2022 under Section 376 of the Indian Penal Code, 1860.

Allowed

In Re : Gangadhar Manna

..... petitioner

Mr. Soumik Ganguli

..... for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.

Mr. Aniket Mitra

..... for the State

Petitioner is in custody for about a month. It is submitted that there was consensual relationship between the parties. It is further submitted he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including statement of the victim recorded under Section 164 Cr.P.C. Victim stated that she had been ravished inside the bathroom. None of the witnesses state they saw the petitioner break into the bathroom.

In view of the aforesaid circumstances and period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 Additional Chief Judicial Magistrate, Contai, Purba Medinipur on condition that the petitioner shall appear before the trial court on

every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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 being CRM(DB) No. 2602 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)