

08.08.2022
cm/ct 28
sl no. 40

C.R.M. (DB) 2667 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Dankuni P.S. Case No. 150 of 2022** dated **01.05.2022** under **Section 376** of the Indian Penal Code.

Allowed

In Re : Prakash Poddar

..... petitioner

Mr. Santunu Chakraborty

Mr. Debasish Sur

Mr. Himadri Shekhar Paul

..... for the petitioner

Mr. Tanmay Kr. Ghosh, Ld. S.G.A.

Mr. Arindam Sen

..... for the State

Petitioner is in custody for 74 days. It is submitted that he has been falsely implicated in the instant case owing to domestic issues. There is stark contradiction with regard to manner and circumstances in which the alleged rape occurred.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. In the First Information Report victim alleged she had been forcibly raped by the petitioner (her brother-in-law) in the presence of her children. After the incident, her parents-in-law intervened and abused her. However, during her examination under Section 164 Cr.P.C. she stated she was alone in the house when she was raped. Possibility of false implication of the petitioner owing to family disputes between brothers cannot be wholly ruled out.

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

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, Serampore, 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Dankuni police Station until further orders 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 police station 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 automatically without reference to this court.

The application being CRM(DB) No. 2667 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)