

22.08.2022
cm/ct 28
sl no. 25

C.R.M. (DB) 2785 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj Women P.S. Case No. 89 of 2022 dated 08.06.2022 Sections 498(A)/354(A)/323/307 of the Indian Penal Code, 1860 adding Sections 376/511 of the Indian Penal Code, 1860.

Allowed

In Re : Asanul Haque @ Asnu(Years).

..... petitioner

Ms. Jeenia Rudra

..... for the petitioner

Mr. Saswata Gopal Mukherjee, Ld. P.P.

Ms. Faria Hossain

Ms. Baisali Basu

..... for the State

It is submitted on behalf of the petitioner that he is in custody for 64 days. Allegation of attempt to rape is out and out false and not supported by medical evidence. 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. Allegation of attempt to rape is not supported by medical evidence. Possibility of false implication on the petitioner due to matrimonial discord cannot be wholly ruled out.

Under such circumstances and the 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 Chief Judicial Magistrate, Raiganj, Uttar Dinajpur 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 petitioner 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. 2785 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)