

31.03.2022
Serial no. 84
CHC
Ct. No. 29
Allowed

CRM 8712 of 2021

In re : An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 15th March, 2022 in connection with Matia Police Station Case No.450 dated 12.12.2019 under Section 376 of the Indian Penal Code.

-And-

In the matter of : Gopal Das

...Petitioner

Mr. Ashis Bhattacharya, Advocate

... .. For the Petitioner

Mr. P. K. Datta, Ld. A.P.P.

Mr. Subrato Roy

... ...For the State

Petitioner seeks bail.

Learned advocate appearing for the petitioner submits that the petitioner is in custody for three years. Police filed charge-sheet and therefore, further detention of the petitioner is not required.

Learned advocate for the petitioner submits that petitioner was falsely implicated due to enmity relating to land dispute.

Learned advocate for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. In the statement victim states that her age was 17 to 18 years and does not speak of any penetration sexual assault.

Considering the detention of the petitioner and considering the gravity of the offence and involvement of the petitioner therein, we grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Basirhat, subject to condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The prayer for bail of the petitioner is allowed.

CRM 8712 of 2021 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)