

07.09.2022
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allowed

CRM(DB) No. 3025 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 115 of 2022 dated 25.05.2022 under Sections 363/365/376 of the Indian Penal Code.

And

In Re : Uttam Sarkar petitioner

Mrs. Karabi Roy
.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

Learned Counsel for the petitioner submits he is in custody for 90 days. Petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. Allegation of forcible rape requires to be assessed in the light of the submission that there was friendly relationship between the parties. Keeping in mind the aforesaid fact and period of detention suffered by the petitioner, we are inclined to grant bail to him.

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, Tehatta, Nadia, on condition 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.

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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)