

09.09.2022.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3064 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P. S. Case No.184 of 2022 dated 02.08.2022 under Sections 341/323/365/376/511/506/34 of the Indian Penal Code.

In the matter of : Bapi Halder & Anr.

.... Petitioners.

Mrs. Karabi Roy.

...for the Petitioners.

Mr. Atif Ahmed Siddiqui.

...for the State.

Petitioners are in custody for 37 days. It is submitted there is a dispute between the parties. Case and counter case have been registered. They pray for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of victim lady. Allegation of attempt to rape requires to be assessed in the light of the submission there is prior enmity and case and counter case were registered. Balancing the nature of accusation with the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 subject to condition that they shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)