

16.09.2022
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 3133 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.09.2022 in connection with Baishnabnagar Police Station Case No. 426 of 2022 dated 20.05.2022 under Sections 376/506/34 of the Indian Penal Code. (G.R. Case No.2990 of 2022)

And

In Re: ***Biswajit Karmakar @ Gaddu***

... .. Petitioner

Mr. Mazhar Hossain Chowdhury

... .. for the petitioner

Mr. S. S. Imam

Mr. R. Jana

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 118 days. It is further submitted there was enmity between the petitioner and the family of the victim lady. They had taken a loan from the petitioner but refused to repay.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. There is some delay in lodging FIR. Credibility of the explanation for delay requires to be assessed in the light of the aforesaid submission with regard to enmity between the parties over a loan transaction during trial. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Biswajit Karmakar @ Gaddu***, 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 Chief Judicial Magistrate, Malda subject to condition that the said petitioner 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 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)