

27.09.2022
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allowed

CRM(DB) No. 3251 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar Police Station Case No. 524 of 2021 dated 03.12.2021 under Sections 376(2)(n)/380/506 of the Indian Penal Code.

And

In Re : Prasenjit Samanta petitioner

Mr. Suman De

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Learned Counsel for the petitioner submits he is in custody for 76 days. It is also submitted that de facto complainant/victim is an accused in a case under Section 306 of the Indian Penal Code. Petitioner is the landlord of the victim lady. There is dispute between them. After one month FIR was registered.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including statement of the victim lady. It is contended there is delay in lodging FIR. It is contended there was dispute between the parties. Possibility of false implication cannot be ruled out.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined in granting 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, Tamluk, Purba Medinipur, 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.)