

29.09.2022
tkm/ct 28
sl no. 111

C.R.M. (DB) 3428 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Haringhata P.S case no. 215 of 2022 dated 22.6.2022 under sections 376/506 of the IPC
and

Allowed

In Re : Shyamal Bagchi petitioner

Ms. M Gomes

..... for the petitioner

Mr. D Chatterjee

Mr. M Sarkar

..... for the State

Petitioner is in custody for 98 days. It is contended there was an illicit relationship between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Petitioner is a family friend of the victim lady. Incident occurred at the residence of the victim lady where other inmates are present. Credibility of the allegation of forcible rape requires to be assessed in the light of the aforesaid circumstance during trial.

Keeping in mind the facts and circumstances of the case and period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM, Kalyani, Nadia on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 3428 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)