

13.10.2022.
Ct.No.28
36.
as/dg
(Allowed)

C.R.M. (DB) 3563 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Namkhana P. S. Case No.235 of 2022 dated 23.08.2022 under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Srikanta Das.

.... Petitioners.

Ms. Pampa Dey (Dhabal).

...for the Petitioners.

Mr. Narayan Prasad Agarwal,
Mr. Pratick Bose.

...for the State.

Petitioner is in custody for 60 days. It is alleged there is delay in lodging the complaint.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape may be assessed in the light of factual matrix of the case including the aforesaid submission relating to delay in lodging the complaint.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas subject to condition that he 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 petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Supratim Bhattacharya,J.)

(Joymalya Bagchi, J.)