

**19.10.2022**  
**Item No.15.**  
**G.S.Das/**  
**Mithun**  
**Ct.28.**

**CRM (DB)/3723 / 2022**

In Re: An application under section 439 of the Code of Criminal Procedure, 1973 in connection with Berhampore Police Station Case No.945 dated July, 19, 2022 under Sections 341/325/376/511/506/34 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act giving rise to C. Special Case No.58 of 2022.

And

In the matter of : **Tarak Das @ Muchi.**

...petitioner.

Mr. Navanil De, Adv.

Mr. Rajeshwar Chakraborty, Adv.

Mr. Srinjan Ghosh, Adv.

Mr. Subhrajit Dey, Adv.

...for the petitioner.

Mr. Binay Kumar Panda, Adv.

Ms. Puspita Saha, Adv.

...for the State.

Heard the parties.

It is submitted that the petitioner has been falsely implicated as there is a previous civil dispute between the parties. The Case Diary also does not reflect any injury report. The 164 Cr.P.C. statement of the victim is also not corroborated by the medical evidence. We find that three of the co-accused have also been granted anticipatory bail.

Accordingly, we are inclined to grant bail to the petitioner.

Hence, we direct that 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 Chief Judicial Magistrate, Berhampore, Murshidabad subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court, 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 (CRM (DB) 3723 of 2022) stands **disposed of**.

All parties to act on the server copy of this order duly collected from the official website of the Hon'ble High Court, Calcutta.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswaroop Chowdhury, J.)      (Ravi Krishan Kapur, J.)**

