

10.11.2022
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allowed

CRM(DB) No. 3925 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 365 of 2022 dated 17.08.2022 under Sections 448/376/511/323/325/379 of the Indian Penal Code and submitted charge-sheet under Sections 448/376/511/323 of the Indian Penal Code.

And

In Re : Amir Sk. petitioner

Mr. Asim Kumar Chakraborti
.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
..... for the State

Learned Counsel appearing for the petitioner submits there is a matrimonial dispute between him and his wife. As a result he has been falsely implicated in the instant case at the behest of his step-daughter.

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

We have considered the materials on record. A prior criminal case was lodged against the petitioner by his wife. Allegation of attempt to rape the victim i.e. step-daughter of the petitioner requires to be assessed in the light of the aforesaid prior enmity between the parties. Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to 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 without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)