

14.11.2022
tkm/ct 28
sl no. 35

C.R.M. (DB) 3940 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 596 of 2022 dated 7.8.2022 under section 376 of the IPC
and

Allowed

In Re : Hillal Pandit petitioner

Mr. S Majumder

..... for the petitioner

Mr. Binoy Kr. Panda

Ms. Rita Datta

..... for the State

Petitioner is in custody for 99 days. It is submitted there was a matrimonial discord between the de facto complainant wife and the son of the petitioner. She instituted number of cases in 2019. No allegation of rape was leveled in those cases. Subsequently, she has falsely made such allegation in the present case. He accordingly prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. She had lodged a number of cases in 2019. No allegation of rape was levelled in those cases. Whether the allegation of rape made in the present case is an afterthought requires to be seen in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and the 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

CJM, Nadia at Krishnagar 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) 3940 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)