

05.12.2022
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CRM(DB) No. 4271 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narayanpur Police Station Case No. 143 of 2022 dated 06.10.2022 under Section 376 of the Indian Penal Code.

And

In Re : Rajendra Yadav alias Rajen..... petitioner

Mr. Pabitra Talukder
Ms. Dona Akter
Mr. Souvik Aich

.....for the petitioner

Mr. Siladitya Bannerjee

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 62 days. It is also submitted that he has been falsely implicated in the instant case. Investigation is complete. Petitioner prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim is a septuagenarian lady.

We have considered the materials on record. Incident occurred at the residence of the victim. Victim did not raise hue and cry. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid fact and the period of detention suffered by him and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner viz. Rajendra Yadav alias Rajen 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, Barrackpore, North 24-Paganas, subject to condition that 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.)