

08.12.2022

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Allowed

C.R.M. (DB) No. 4323 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Namkhana Police Station Case No. 293 of 2022 dated 08.10.2022 under Sections 354/376(2)(1)/506 of the Indian Penal Code.

And

In Re : Vivekananda Giri petitioner

Mr. Dilip Kumar Shyamal

Ms. Minoti Gomes

Mr. Koushik Banerjee

.....for the petitioner

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Learned Counsel appearing for the petitioner submits he is in custody for 35 days. It is also submitted that there is a long standing civil dispute between the parties. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits victim is a mentally challenged girl.

We have considered the materials on record. There is a long standing civil dispute between the parties. Possibility of false implication owing to prior enmity cannot be ruled out.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to him, however, subject to strict conditions.

Accordingly we direct that the petitioner viz. Vivekananda Giri shall be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten Thousand Only) 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-Parganas, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter the jurisdiction of Namkhana Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the officer-in-charge of Namkhana Police Station within whose jurisdiction he shall presently reside once in a week until further orders.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)