

21.12.2022
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allowed

CRM(DB) No. 4486 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliyaganj Police Station Case No. 329 of 2022 dated 07.07.2022 under Sections 376/506 of the Indian Penal Code.

And
In Re : Pulin Barman petitioner

Ms. Busra Khatoon
.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 166 days. It is also submitted that he has been falsely implicated. He prays for bail.

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

We have considered the materials on record including the statement of the victim girl. Trial has not commenced. There is little possibility of trial concluding in the near future. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are inclined to grant bail to him.

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 Chief Judicial Magistrate, Uttar Dinajpur, 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.)