

23.12.2022
tkm/ct 28
sl no. 94

C.R.M. (DB) 4604 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kalyani P.S case no. 402 of 2022 dated 21.7.2022 under sections 376(2)(f)/2(n)/506 of the IPC
and

Allowed

In Re : Ripon Das

..... petitioner

Mr. Ramashis Mukherjee

Mr. S Chckaraborty

Mr. D Marmakar

..... for the petitioner

Mr. Avishek Sinha

..... for the State

Petitioner is in custody for 150 days. It is submitted he has been falsely implicated in the instant case due to family dispute. He 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 girl. There is delay in lodging FIR. Allegations of threat to the victim is not supported by contemporaneous documents. Possibility of false implication due to prior enmity cannot be ruled out.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to conditions.

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 ACJM, Kalyani, Nadia 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Kalyani P.S until further

orders except for purpose of investigation and attending court proceeding and shall provide address where they shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned 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 automatically without reference to this court.

The application being CRM (DB) 4604 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)