

05.01.2023
Sl. No.10
akd
[ALLOWED]

C. R. M. (DB) 1 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.12.2022 in connection with Jangipara Police Station Case No.182 dated 27.09.2022 under Sections 376(2)(f)/506 of the Indian Penal Code. (G.R. Case No.1856 of 2022)

And

In Re: **Tarak Makal**

... .. Petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
Ms. Monami Mukherjee

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 89 days. It is further submitted there is variation in the statement of the victim in the FIR and before Magistrate with regard to the time of occurrence. Allegation of forcible rape is out and out false. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. There is some variation in the time of occurrence in the FIR and the statement of the victim before Magistrate. Threat held out by the petitioner to the son of the victim is not corroborated by her son. In view of the aforesaid circumstances and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Tarak Makal**, 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, Serampore, Hooghly subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)