

11.01.2023
tkm/ct 28
sl no. 60

C.R.M. (DB) 104 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 346 of 2022 dated 7.5.2022 under sections 376/417/34 the IPC
and

Allowed In Re : Mahidul Dafadar @ Mohidulpetitioner

Mr. S Das Mahapatra
Mr. Amanul Islam
Mr. Sourav Mukherjee

..... for the petitioner

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

..... for the State

Petitioner is in custody for 242 days. It is submitted allegation of abduction and rape of the victim in February 2022 is patently absurd. Another criminal case was registered by the mother of the victim against the petitioner in April 2022. There is no whisper with regard to abduction and rape of the victim in the said FIR. He renews his prayer for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Criminal case with regard to abduction in February 2022 was lodged on 30th April 2022 on the strength of an application under section 156(3) Cr.P.C. Though an earlier case was registered by the mother of the victim against the petitioner in April 2022, there is no whisper with regard to abduction and rape of the victim therein. Credibility of the accusation in the present case requires to be assessed in the light of the aforesaid circumstance during trial. Keeping in mind these facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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 CJM Nadia at Krishnanagar 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.

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) 104 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)