

20.01.2023
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allowed

CRM(DB) No. 269 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 130 of 2022 dated 24.03.2022 under Sections 448/376 of the Indian Penal Code and charge-sheet submitted under Sections 448/376 of the Indian Penal Code.

And

In Re : Sujan Mondal @ Sujon Mondal @ Debnath Mondal petitioner

Mr. Tapodip Gupta

.....for the petitioner

Mr. Debabrata Chatterjee

Ms. Mausumi Sarkar

..... for the State

Learned Counsel for the petitioner submits he is in custody for 202 days. It is also submitted that he has been falsely implicated. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner is related to the victim. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission during trial. 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, Murshidabad, 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.)