

07.02.2023.
28.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 468 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Paikar P. S. Case No.254 of 2022 dated 03.12.2022 under Sections 376/417/354(c)/506/509 of the Indian Penal Code.

In the matter of : Barkatulla Sk @ Badsha Sk.
.... Petitioner.

Mr. Prosenjit Mukherjee,
Mr. Argha Kamal Das.
...for the Petitioner.

Mr. Prasun Kr. Datta, Id. A.P.P.,
Mr. Nirupam Dhali.
...for the State.

Petitioner is in custody for 65 days. He submits victim is a married lady. He has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner cohabited with the victim. Thereafter, he threatened to upload objectionable pictures.

We have considered the materials on record. Victim is a married lady. Allegation of threat to upload objectionable pictures is not corroborated by recovery of electronic records from the petitioner.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Barkatulla Sk @ Badsha Sk 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 Additional Chief Judicial Magistrate, Rampurhat, Birbhum subject to condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)