

08.02.2023
Sl. No.43
akd
[ALLOWED]

C. R. M. (DB) 499 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Chandipur Police Station Case No.263 of 2022 dated 21.07.2022 under Sections 447/376(1)/506 of the Indian Penal Code.

And

In Re: **Sk. Sultan**

... .. Petitioner

Mr. Debabrata Ray
Mr. Anwar Ali
Ms. Sarbani Mukhopadhyay
Mr. Soumik Mondal
Mr. Soura Sarkar

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated due to family dispute. Allegation of forcible rape is false.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape may 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 of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sk. Sultan**, 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 Chief Judicial Magistrate, Purba Medinipur at Tamluk 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.)