

20.02.2023
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allowed

CRM(DB) No. 672 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanarpara Police Station Case No. 102 of 2022 dated 15.05.2022 under Sections 498A/376/509/34 of the Indian Penal Code.

And

In Re : Bani Biswas @ Bani Mondal @ Morjem Biswas petitioner

Mr. P. P. Das
Mr. A. Mandal
Mr. T. Shil

.....for the petitioner

Mr. Saswata Gopal Mukherji, learned PP
Ms. Faria Hossain
Ms. Mamata Jana

..... for the State

Learned Counsel for the petitioner submits he is in custody for 198 days. It is also submitted that he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits date has been fixed for consideration of charge.

We have considered the materials on record. We have also examined the statement of victim lady. Allegation of rape is bereft of date, time and other particulars. Keeping in mind the aforesaid fact and 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 Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to condition that the 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.)