

22.03.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1032 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Margram P. S. Nadia Case No.20 of 2023 dated 27.01.2023 under Sections 341/354/354A/354C/506/509 of the Indian Penal Code and adding Sections 376/511 of the Indian Penal Code.

In the matter of : Maharaj Das.

.... Petitioner.

Mr. Angshuman Chakraborty,
Mr. S. S. Saha.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. SGA,
Ms. Sonali Bhar.

...for the State.

Mr. Tapan Datta Gupta,
Mr. Parvej Anam.

...for the de-facto complainant.

Petitioner is in custody for 39 days. He submits he has been falsely implicated. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

Learned Advocate for the de-facto complainant also opposes the bail prayer. It is submitted she is being threatened.

We have considered the materials on record. Allegation that petitioner attempted to rape the victim may be assessed during trial.

Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion though further detention may not be necessary, movement of the petitioner requires to be restricted in order to instil confidence in the mind of the victim.

Accordingly, the petitioner viz., Maharaj Das 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Margram Police Station and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

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.)