

26.04.2023.
22.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1213 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal P. S. Case No.624 of 2022 dated 30.09.2022 under Sections 448/376 of the Indian Penal Code and charge sheet submitted under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Obaidul Sk.

.... Petitioner.

Ms. Minto Gomes,
Md. G. N. Imrohi.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

It is submitted there was a family dispute. Petitioner has been falsely implicated. He is in custody for over two months. Investigation is complete. He prays for bail.

Learned advocate for the State opposes the bail prayer. He submits victim was violated by her father-in-law.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of submission there was prior enmity over monetary transaction between the parties. Petitioner has permanent home and hearth and there is no chance of abscondence.

Keeping in mind the aforesaid circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Obaidul 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 Chief Judicial Magistrate, Murshidabad 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.)