

29.03.2023
tkm/ct 28
sl no. 67

C.R.M. (DB) 1228 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Raiganj PS case no. 1005 of 2021 dated 4.11.2021 under sections 376D of the IPC

And

Allowed

In Re : Kalu Sarkar & Anr.

..... petitioners

Mr. J N Chatterjee
Mr. S Naskar
Ms. J Patra
Ms. S Ghosh
Ms. R Banerjee
Ms. P Sinha

..... for the petitioners

Mr. S Bapuli
Ms. Sayanti Sanra

..... for the State

Petitioner no. 1 is in custody for 421 days and petitioner no. 2 is in custody for 125 days. It is contended victim did not support the prosecution case. Hence, they renew their bail prayer.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Victim girl was examined as PW1. She did not support the prosecution case.

In view of the aforesaid change in circumstance and the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs. 10,000/- each with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM Raiganj, Uttar Dinajpur on condition that the petitioners shall appear before the trial court on every date of

hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application being CRM (DB) 1228 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)