

10.04.2023
tkm/ct 28
sl no. 62

C.R.M. (DB) 1413 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Haripal PS case no. 303 of 2022 dated 21.10.2022 under sections 341/376(2)(I) IPC
and

Allowed In Re : Bapan Das @ Kalo @ Genra petitioner

Mr. Abhijit Ganguly
Mr. S S Roy

..... for the petitioner

Mr. S Bapuli
Mr. Bibaswan Bhattacharya

..... for the State

Petitioner is in custody for 170 days. He submits medical report does not establish that he is capable of sexual intercourse. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits victim is a differently abled lady. She was ravished and had become pregnant.

We have considered the materials on record. Victim is a differently abled lady. However, medical examination of the petitioner casts doubt with regard to his capacity to have sexual intercourse.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM, Kandi, Murshidabad on condition that the petitioner 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 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 being CRM (DB) 1413 of 2023 is disposed of.

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)