

18.04.2023
38
sdas
allowed

CRM(DB) No. 1510 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balagarh Police Station Case No. 292 of 2021 dated 28.09.2021 under Sections 376(2)(n)/506 of the Indian Penal Code.

And

In Re : Manik Karmakar petitioner

Mr. Krishnendu Bhattacharya

Mr. Santanu Talukdar

Mr. Priyankar Ganguly

....for the petitioner

Ms. Zareen N. Khan

Mr. Ashok Das

.... for the State

Learned Counsel for the petitioner submits he is in custody for one year and seven months. There is little possibility of trial concluding in near future. He renews his prayer for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had deceit the victim by stating he had super natural power and raped her.

We have considered the materials on record. Vulnerable witness i.e. victim has already been examined. Her deposition requires to be assessed in the light of other attending circumstances during trial. Number of witnesses are yet to be examined and there is little possibility of trial concluding in near future. Under such circumstances and as petitioner has no chance of abscondence, 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 Sessions Judge, 2nd Fast Track Court, Hooghly Sadar, subject to conditions that 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.)