

24.04.2023
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allowed

CRM(DB) No. 1622 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Rajarhat Police Station Case No. 61 of 2023 dated 24.02.2023 under Sections 376/511 of the Indian Penal Code.

And
In Re : Sujit Mondal petitioner

Mrs. Anita Kaunda
Ms. Anubrata Dutta
.....for the petitioner

Mr. S. G. Mukherji, learned P.P.
Mr. Aniket Mitra
.... for the State

Learned Counsel for the petitioner submits he is in custody for 59 days. It is also submitted he is not named in the FIR. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim is a deaf and dumb lady. Hence she could not disclose the name of the assailant.

We have considered the materials on record. Complicity of the petitioner in the crime has to be seen in the light of the aforesaid circumstances during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner 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 Chief Judicial Magistrate, Barasat,

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.)