

11.05.2023
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allowed

CRM(DB) No. 1864 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 526 of 2022 dated 03.06.2022 under Sections 376/511/506 of the Indian Penal Code and charge-sheet submitted under Sections 376/511/506 of the Indian Penal Code.

And

In Re : Sankar Prasad Bandhopadhyaya petitioner

Ms. Minot Gomes

....for the petitioner

Mr. Shiladitya Banerjee

.... for the State

Learned Counsel for the petitioner submits he is in custody for 341 days. It is also submitted victim has not supported the allegation of rape. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. Bail prayer of the petitioner was rejected earlier on merits. Thereafter victim has been examined. She has not supported the allegation of rape. Under such circumstances, we are inclined to grant bail to the petitioner.

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, Fast Track Court, Ranaghat, Nadia, 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.)