

11.05.2023
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allowed

CRM(DB) No. 1875 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Mohanpur Police Station Case No. 363 of 2022 dated 20.12.2022 under Sections 376/417/506 of the Indian Penal Code.

And

In Re : Laxmikanto Bera @ Lakshikanta Bera petitioner

Mr. Siddhartha Sarkar

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Asraf Mondal

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Victim is a major and married lady. She cohabited with the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner i.e, 70 days and as investigation is complete, 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 Chief Judicial Magistrate, Datan, Paschim Medinipur, 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.)