

16.05.2023.
42.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1939 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad P.S. Case No.21 of 2023 dated 09.01.2023 under Section 364-A of the Indian Penal Code.

In the matter of : Sonali Mondal.

.... Petitioner.

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar.

...for the Petitioner.

Mr. Sudip Ghosh, ld. Sr. Govt. Adv.,
Mr. Kaushik Kundu.

...for the State.

Petitioner submits she had earlier instituted a case of rape against the son of the de-facto complainant. Subsequently, she has been falsely implicated in the instant case. She is in custody for 126 days. She renews her prayer for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had stated in her complaint that the son of the de-facto complainant had taken money from her. She abducted him to realise the said money.

We have considered the materials on record. Earlier, a criminal case alleging rape was instituted against the son of the de-facto complainant. Though it is contended that the petitioner had abducted the son of the de-facto complainant to realise money taken by him, possibility of false implication owing to prior enmity cannot be ruled out.

Under such circumstances and as investigation is complete and there is no chance of abscondence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sonali Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Berhampore subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel her bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)