

11.07.2023.
46.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2434 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.419 of 2022 dated 23.07.2022 under Sections 363/365/376(D) of the Indian Penal Code.

In the matter of : Tahajul Sk.

.... Petitioner.

Mr. Ranadeb Sengupta,
Mr. Sachit Talukdar,
Mr. Tirtharaj Ghoshal.

...for the Petitioner.

Mr. Joydeep Roy, Id. Jr. Govt. Adv.,
Ms. Sujata Das.

...for the State.

Mr. Debapriya Samanta.

...for the de-facto complainant.

Petitioner is in custody for 352 days. He submits a false criminal case was registered by the father of the minor victim earlier. He prays for bail.

Learned Advocate for the State submits though earlier criminal case was false, the victim has supported the present case.

Learned Advocate for the de-facto complainant opposes the bail prayer. He submits at the instruction of the petitioner, minor victim had misled her father to lodge the earlier false case.

We have considered the materials on record. Credibility of the allegations of the minor with regard to forcible kidnapping requires to be assessed in the light of the aforesaid

circumstances particularly the false case registered at her behest earlier.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Tahajul Sk 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, Lalbagh, Murshidabad 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 his 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.)