

04.07.2023
Sl. No.92
akd
[ALLOWED]

C. R. M. (DB) 2538 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.06.2023 in connection with Thanarpara Police Station Case No.87 of 2023 dated 28.04.2023 under Sections 448/376/506 of the Indian Penal Code.

And

In Re: **Saiful Mondal**

... .. Petitioner

Mrs. Karabi Roy

... .. for the petitioner

Mr. Sujan Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 57 days. It is further submitted petitioner has been falsely implicated due to family dispute. Investigation is complete. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner was related to the victim. Allegation of forcible rape requires to be assessed in the light of the attending circumstances during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Saiful Mondal**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)