

04.07.2023
Sl. No.93
akd
[ALLOWED]

C. R. M. (DB) 2540 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 Palashipara Police Station Case No.113 of 2023 dated 16.04.2023 under Sections 448/376/511/323/506 of the Indian Penal Code.

And

In Re: **Basudeb Mondal**

... .. Petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh
Ms. Jyoti Agarwal

... .. for the petitioner

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 64 days. It is further submitted there was a prior dispute and he has been falsely implicated. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of attempt to rape requires to be assessed in the light of the submission that there is prior enmity between the parties. Under such circumstances and in view of 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 **Basudeb 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.)