

04.07.2023.
136.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2583 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malipanchghora P. S. Case No.47 of 2023 dated 13.03.2023 under Section 376 of the Indian Penal Code.

In the matter of : Halim Ansari @ Md. Halim Ansari.
.... Petitioner.

Mr. S. Basu Roy Chowdhuri,
Mr. B. Sarkar.
...for the Petitioner.

Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan.
...for the State.

It is submitted on behalf of the petitioner that there was free mixing between the parties and he has been falsely implicated.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Allegation of forcible rape is requires to be assessed during trial in the light of the aforesaid submission made on behalf of the petitioner. He is in custody for 113 days. Investigation is complete. There is no chance of abscondence.

Hence, he is released on bail.

Accordingly, the petitioner, viz., Halim Ansari @ Md. Halim Ansari 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 Chief Judicial Magistrate, Howrah 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.)