

04.07.2023
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allowed

CRM(DB) No. 2601 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 250 of 2023 dated 02.03.2023 under Sections 376/406 of the Indian Penal Code.

And
In Re : Krishnakanta Saha petitioner

Mr. Robiul Islam
Mr. Raju Mondal
....for the petitioner

Mr. Joydip Roy
Ms. Sujata Das
.... for the State

It is submitted by the learned Counsel for the petitioner that there was dispute over property and he has been falsely implicated.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape is to be assessed in the light of the submission that there was prior dispute among the parties. Petitioner is in custody for 45 days. Further detention for progress of investigation is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner 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, Murshidabad at Berhampore, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders

and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)