

12.07.2023
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allowed

CRM(DB) No. 2761 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 172 of 2023 dated 06.03.2023 under Sections 376/326 of the Indian Penal Code.

And
In Re : Sanjoy Roy petitioner

Mr. Sumanta Das
.....for the petitioner

Mr. Tanmoy Kumar Ghosh
Mr. Arindam Sen
.... for the State

Learned Counsel for the petitioner submits he is in custody for 70 days. It is also submitted there was a free fight between the parties. Allegation of rape is out and out false. He prays for bail.

Learned Counsel for the State opposes the bail prayer.

We have considered the materials on record. There was a free fight between the parties. Though the husband of the victim lady suffered injury no injury is found on her person. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. Keeping in mind the facts and circumstances of the case and period of detention suffered by the petitioner we are inclined to grant bail to him.

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,

Krishnanagar, Nadia, 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.)