

19.07.2023.
34.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2869 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga P. S. Case No.283 of 2023 dated 18.04.2023 under Sections 448/376 of the Indian Penal Code.

In the matter of : Milan Sk. @ Milon Sk.

.... Petitioner.

Ms. Chandrima Debnath.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. S.G.A,
Ms. Sonali Bhar.

...for the State.

Petitioner is in custody for three months. She submits de-facto complainant had filed a criminal case earlier alleging cruelty against her husband and in-laws including the petitioner. Subsequently, she demanded money and upon being refused falsely implicated the petitioner. There is delay in lodging first information report. Investigation is complete. Petitioner may be released on bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner is the brother-in-law of the victim lady. He came to her parental home and committed rape.

We have considered the materials on record including the statement of the victim lady. There is delay in lodging the First Information Report. Earlier she had lodged a criminal case alleging cruelty against her husband and in-laws including the petitioner. False implication due to prior enmity

cannot be ruled out. Investigation is complete. There is no chance of his abscondence.

Under such circumstances, we are of the opinion petitioner may be released on bail.

Accordingly, the petitioner viz., Milan Sk. @ Milon Sk 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, Berhampore, Murshidabad 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.)