

25.07.2023.
27.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2906 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamboni P. S. Case No.63 of 2023 dated 14.05.2023 under Sections 376/417 of the Indian Penal Code.

In the matter of : Daktar Hansda.

.... Petitioner.

Mr. Soumyajit Das Mahapatra,
Ms. Madhurai Sinha.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

Petitioner is in custody for 75 days. It is submitted there was free mixing between the parties. Allegation of rape is out and out false. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim lady. She admits there was free mixing between the parties. Allegation of assault and forcible rape is required to be assessed during trial.

Keeping in mind the aforesaid facts and period of detention suffered by the petitioner, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner viz., Daktar Hansda 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, Jhargram 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.)