

31.07.2023
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allowed

CRM(DB) No. 3006 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 455 of 2023 dated 07.06.2023 under Sections 448/376/511/506/34 of the Indian Penal Code.

And

In Re : Prokash Somaddar @ Prakash Somaddar petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Poulami Bose
Ms. Dhanasree Biswas

....for the petitioner

Ms. Zareen N. Khan
Mr. Ashok Das

..... for the State

Learned Counsel for the petitioner submits there is prior enmity between the parties. Earlier criminal case was registered against the husband of the victim. In retaliation he has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of assault and attempt to rape requires to be assessed in the light of the aforesaid submission regarding prior enmity between the parties. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner 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 Additional Chief Judicial Magistrate, Tehatta, 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)