

01.09.2023
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allowed

CRM(DB) No. 3253 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole Police Station Case No. 777 of 2022 dated 28.09.2022 under Sections 376(2)(I) of the Indian Penal Code.

And
In Re : Sitesh Rajbanshi petitioner

Mr. Amitabha Karmakar
Mr. Arup Kumar Bhowmick
.....for the petitioner

Mr. Debabrata Chatterjee
Ms. Mousumi Sarkar
..... for the State

1. Learned Counsel for the petitioner submits victim has been examined. She has not supported the prosecution case. Accordingly, He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Minor has not supported the prosecution case. In view of the aforesaid development and period of detention suffered by the petitioner i.e. 245 days, we are inclined to grant bail to the petitioner.

4. 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, Malda, subject to condition 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)