

15.09.2023.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3606 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Karimpur P.S. Case No.123 of 2023 dated 22.05.2023 under Sections 448/376/511 of the Indian Penal Code.

In the matter of : **Subhash Rajak.**

.... Petitioner.

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

...for the Petitioner.

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

...for the State.

1. Petitioner submits there was a matrimonial discord between victim and her husband. She started residing with the petitioner. Subsequently, relationship between the couple improved and petitioner has been falsely implicated. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record including the statement of the victim. Victim states that she was staying in a rented house where the incident occurred. Possibility of false implication cannot be ruled out.
4. Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner i.e. over a month, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Subhash Rajak** 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 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.

6. 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.

7. This application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)