

27.09.2023
Sl. No.23
akd
[ALLOWED]

C. R. M. (DB) 3744 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.09.2023 in connection with Santipur Police Station Case No.792 of 2023 dated 25.07.2023 under Sections 448/376/506/323/34 of the Indian Penal Code. (G.R. Case No.2907 of 2023)

And

In Re: ***Samir Halder***

... .. Petitioner

Mr. Sumanta Das

... .. for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

... .. for the State

1. It is submitted on behalf of the petitioner that his wife had been raped by the husband of the victim on 11.06.2023. Matter was reported to local people and police but no steps were taken. Finally on 13.07.2023 petitioner's wife took out an application under Section 156(3) of the Code of Criminal Procedure resulting in registration of Krishnanagar Women Police Station Case No.73 of 2023 dated 24.07.2023 under Sections 341/323/354(A)/354(B)/376/506/509/34 of the Indian Penal Code. In retaliation, the present case was registered alleging on 16.07.2023 victim had been raped. Petitioner is in custody for about 62 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record including the statement of the victim. She states she was raped on 16.07.2023. After a lapse of nine days she lodged FIR. It may not be out of place to note that the alleged date of occurrence is three days after the wife of the petitioner had approached the Magistrate for institution of criminal proceeding against the victim's husband alleging rape. Possibility of

false implication of the petitioner due to prior enmity cannot be ruled out. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner for the purpose of investigation is not necessary.

4. Therefore, the accused/petitioner, namely **Samir Halder**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall report to the Officer-in-charge, Santipur Police Station once in a week until further orders.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)