

03.10.2023  
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allowed

CRM(DB) No. 3784 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 316 of 2023 dated 13.05.2023 under Sections 448/376(I)/506 of the Indian Penal Code.

And

In Re : Milon Sk. .... petitioner

Mr. Arnab Chatterjee

Ms. Poulami Bose

....for the petitioner

Mr. Saryati Datta

.... for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. There is inordinate delay in lodging FIR. Allegation of rape in the statement before Magistrate is an embellishment as in the application under Section 156(3) of the Code of Criminal Procedure it was alleged that there was an attempt to rape the victim. Keeping in mind the aforesaid fact and the period of detention i.e. 60 days, we are inclined to grant bail to the petitioner.

3. 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, Murshidabad at Berhampore, 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.

4. 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.

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

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**