

06.10.2023
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allowed

CRM(DB) No. 3858 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raninagar Police Station Case No. 455 of 2023 dated 17.08.2023 under Sections 448/376/511 of the Indian Penal Code.

And

In Re : Roky @ Roki Mandal petitioner

Md. G. N. Imrohi

....for the petitioner

Mr. Shiladitya Banerjee

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 50 days. Allegation of attempt to rape is false. He prays for bail.

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

3. We have considered the materials on record. Victim refused medical examination. Possibility of false implication of the petitioner cannot be wholly ruled out. Under such circumstances, 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad, 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)