

12.10.2023.
24.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3969 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliyaganj P.S. Case No.162 of 2023 dated 25.04.2023 under Sections 147/148/149/186/332/333/353/323/307/435/436/395/397/427/420B of the Indian Penal Code read with Sections 3/4 of the PDPP Act and Section 9 of the MPO Act.

In the matter of : **Sudhir Sarkar & Anr.**

.... Petitioners.

Mr. Jisan Hossain,
Ms. Chandrima Debnath.

...for the Petitioners.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

1. Petitioners submit a girl had been raped in the locality. No steps were taken by the investigating agency. As a result, local people demonstrated against the police. Petitioners have been falsely implicated. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioners and co-accused had caused damage and set the police station on fire. Police Officer also received fracture injury.
3. We have considered the materials on record. Due to police inaction over the rape of an unfortunate girl, local people had agitated. Allegations against the petitioners are general and omnibus. They do not have criminal antecedents and the emotional upsurge of the mob though not condoned is understandable.

4. Under such circumstances, we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners viz, **1) Sudhir Sarkar and Krishnendu Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Raiganj, Uttar Dinajpur subject to condition that they 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 petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)