

19.10.2023
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allowed

CRM(DB) No. 4111 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. 196 of 2023 dated 12.04.2023 under Sections 448/326/307/34 of the Indian Penal Code.

And

In Re : Juel Biswas @ Juel Rana @ Juyel Rana Biswas petitioner

Mr. Anisur Rahman

....for the petitioner

Mr. Joydeep Roy
Mr. Amanul Islam

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 195 days. It is also submitted there was monetary dispute between the parties. He has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim is a lady. She had been assaulted on various parts of her body. An attempt was made to rape her.

3. We have considered the materials on record. We have also examined the injuries. Whether the injuries are life threatening requires to be assessed during trial. Allegation of attempt to rape is not a part of the FIR and appears to be an embellishment. 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 conditions 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)