

20.12.2023.
97.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4613 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No.544 of 2021 dated 26.01.2021 under Section 376(D) of the Indian Penal Code.

In the matter of : **Santi Sarkar.**

.... Petitioner.

Mr. P. Majumder.

...for the Petitioner.

Mr. D. Chatterjee

Mr. M. F. Ahmed Begg.

...for the State.

1. Petitioner contends he was not present at the time when the victim was raped. He has been falsely implicated. Co-accused are on bail. He is in custody for 451 days. He prays for bail.
2. Learned Advocate for State opposes the bail prayer.
3. We have considered the materials on record including the statement of the victim. Victim stated after the incident petitioner had taken her home on a bicycle. Victim has not identified him as one of the persons who committed rape.
4. In view of the role played by the petitioner and the period of detention suffered by him, we are inclined to grant bail to the petitioner.
5. Accordingly, 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, Ranaghat,

Nadia subject to condition that he 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.

7. In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)