

20.12.2023
156
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allowed

CRM(DB) No. 4687 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No. 1497 of 2023 dated 13.10.2023 under Section 376D of the Indian Penal Code.

And

In Re : Kismat Sk. Petitioner

Mr. Kingsuk Mondal

....for the petitioner

Mr. Joydeep Roy

Ms. Sonali Bhar

.... for the State

Mr. P. K. Kundu

..... for the de facto complainant

1. Heard the learned Counsels for the parties.
2. We have considered the materials on record. Statement of the victim does not disclose ingredients of gang rape. Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner i.e. 65 days, we are inclined to grant bail to him.
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 Berhampur, 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.)