

09.01.2024

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Allowed

C.R.M. (DB) No. 30 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 812 of 2023 dated 15.10.2023 under Sections 448/376 of the Indian Penal Code.

And

In Re : Satyen Biswas petitioner

Mr. Sumanta Das

.....for the petitioner

Mr. Abhra Mukherjee

Mr. Palash Majhi

.....for the State

Mr. Gobinda Chandra Baidya

....for the de facto complainant

1. Learned Counsel for the petitioner submits his sister was molested by the son of the victim lady. A criminal case was registered. In retaliation he has been falsely implicated in the case. He is in custody for 85 days. He prays for bail.

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

3. Learned Counsel for the de facto complainant also opposes the bail prayer.

4. We have considered the materials on record. It is alleged that the petitioner's sister had been molested by the son of the petitioner. A criminal case was registered. Thereafter the present case has been registered alleging that he committed rape on the lady. Credibility of allegation of rape requires to be assessed in the background of prior enmity between the parties.

Petitioner is in custody for 85 days. Under such circumstances, we are inclined to grant bail to the petitioner.

5. 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, Ranaghat, Nadia, subject to condition that petitioner 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 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)