

24.01.2024.
38.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 204 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnagar Kotwali P.S. Case No.1108 of 2023 dated 11.11.2023 under Sections 447/325/376/506/34 of the Indian Penal Code.

In the matter of : **Ratan Bachar @ Litan Bachhar & Anr.**
.... Petitioners.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioners.

Mr. Prasun Kr. Dutta, ld. A.P.P.,
Mr. Asif Dewan.

...for the State.

1. Petitioners contend there was a free fight between two groups. They had suffered injuries and registered a criminal case. After two days, victim alleged rape and a counter case was registered. Accordingly, they pray for bail.

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

3. We have considered the materials on record. There was free fight between two groups. Petitioner suffered injuries and a criminal case was registered. Subsequently, the present case was registered by the de-facto complainant. De-facto complainant claimed that she had been raped but in the initial injury report dated 28.01.2023, the history of the incident is described as physical assault. Subsequently, she alleged that she had been raped. Allegation of rape requires to be assessed in the light of the aforesaid circumstance during trial. Petitioners are in custody for 55 days. There is no chance of abscondence.

4. Hence, we are inclined to grant bail to the petitioners.

5. Accordingly, the petitioners viz., **Ratan Bachar @ Litan Bachhar and Laxman Bachar @ Bachhar** 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, Nadia at Krishnanagar 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 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.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)