

05.02.2024

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Allowed

C.R.M.(DB) No. 296 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkol Police Station Case No. 352 of 2017 dated 21.04.2017 under Sections 448/376 of the Indian Penal Code.

And

In Re : Mukul Mondal @ Mukul Sk. petitioner

Mr. Sandip Chakraborty
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Koustav Das

... for the petitioner

Mr. Mainak Gupta

... for the State

1. Learned Counsel for the petitioner submits he is in custody for six and half months. It is also submitted he is the father-in-law of the victim lady and has been falsely implicated due to domestic quarrels. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had raped his daughter-in-law. He had absconded for a considerable period of time.

3. We have considered the materials on record. Victim is the daughter-in-law of the petitioner. She alleged that the petitioner had raped her at the matrimonial home. Grandmother-in-law had seen the incident. She has also reported the matter to her husband. However, case diary does not contain the statements of either the husband or the grandmother-in-law. Keeping in mind the lack of corroborative

evidence as the possibility of false implication due to domestic strife cannot be ruled out, 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 Chief Judicial Magistrate, Murshidabad at Berhampore, subject to conditions 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.

5. In the event he 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)