

21.02.2024.
28.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 520 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Taherpur P.S. Case No.544 of 2023 dated 01.11.2023 under Section 376 of the Indian Penal Code and charge sheet submitted under Section 376 of the Indian Penal Code.

In the matter of : **Bharat Mondal @ Bharat Gosai.**

.... Petitioner.

Ms. Minoti Gomes.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Roy.

...for the State.

1. Petitioner is in custody for 113 days. It is contended victim in her statement recorded under Section 164 of the Code of Criminal Procedure does not disclose a case of rape. He submits there was prior enmity between the parties. Accordingly, he prays for bail.

2. Learned Advocate for the State opposes the bail prayer. He contends victim stated she was raped by the petitioner. Petitioner had committed similar offence with other women too.

3. We have considered the materials on record. It is contended there was enmity between the parties over the management of a sabha. Though the victim alleged rape in FIR, in her statement recorded under Section 164 of the Code of Criminal Procedure she alleged petitioner had attempted to rape.

4. Keeping in mind the aforesaid dichotomy and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Bharat Mondal @ Bharat Gosai** 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.

6. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)