

01.03.2024.
111.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 667 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.585 of 2023 dated 23.11.2023 under Sections 376/323/506 of the Indian Penal Code and charge sheet submitted under Sections 376/323/506 of the Indian Penal Code.

In the matter of : **Dinesh Mondal.**

.... Petitioner.

Ms. Minoti Gomes,
Ms. Dona Sanyal.

...for the Petitioner.

Mr. Ranadeb Sengupta

...for the State.

1. Petitioner submits there was a free mixing between him and the victim lady. Subsequently he has been falsely implicated. He is in custody for 100 days. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record including the statement of the victim. She alleged she had gone to the house of the petitioner to collect money. At that juncture petitioner raped her. However, statements of witnesses show victim used to regularly visit the petitioner who is a widow. Credibility of allegation of rape requires to be assessed in the light of the attending circumstances during trial. There is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Dinesh Mondal** 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.)