

12.04.2024
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allowed

CRM (DB) No. 919 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Balagarh Police Station Case No. 463 of 2023 dated 21.11.2023 under Sections 448/376/427/506 of the Indian Penal Code and charge-sheet submitted under Sections 448/376(2)(1)/427/506 of the Indian Penal Code.

In Re : Bidesh Ghosh And
petitioner

Mr. Krishanu Banik
Mr. Tathagata Banik
....for the petitioner

Mr. Kunal Ganguly
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 135 days. He has been falsely implicated. He prays for bail.

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

3. In spite of service of notice nobody appears for the victim.

4. We have considered the materials on record including the statement of the victim. From her statement it appears petitioner had cohabited with the victim earlier. Thereafter he took objectionable pictures and blackmailed her. No objectionable pictures have been recovered during investigation. Under such circumstances and as investigation is complete, 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 Chief Judicial Magistrate, Hooghly Sadar, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without 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.)