

08.04.2024
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 948 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 08.03.2024 in connection with English Bazar Police Station Case No.1391 of 2021 dated 14.10.2021 under Sections 449/326/307/376/511 of the Indian Penal Code.

And

In Re: ***Prasanta Mandal @ Prashanta***

... .. Petitioner

Mr. Arup Kumar Bhowmick

... .. for the petitioner

Mr. S. S. Imam
Mr. Atanu Ghosh

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 130 days. It is further submitted allegation of attempt to rape is an embellishment. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record. Petitioner contends allegation of attempt to rape is an embellishment. Under such circumstances and in view of the period of detention suffered by him, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely ***Prasanta Mandal @ Prashanta***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda subject to condition that the said petitioner 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Prasenjit Biswas, J.)

(Joymalya Bagchi, J.)