

09.05.2024  
tkm/ct 28  
sl no. 38

**C.R.M. (DB) 1417 of 2024**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Moyna P.S case no. 51 of 2024 dated 6.2.2024 under sections 448/323/509/376/506 IPC  
and

**Allowed**

In Re : Ashim Kumar Jana ..... petitioner

Mr. Souvik Mitter  
Ms. R Das

..... for the petitioner

Mr. S Bapuli  
Mr. Samarjit Balial

..... for the State

1. Petitioner is in custody for 93 days. He submits he has been falsely implicated due to prior enmity. He prays for bail.
2. Learned lawyer for the State places on record explanation given by the medical officer that two finger test had not been conducted.
3. We have considered the materials on record. We have also considered the statement of the victim. Possibility of false implication due to prior enmity cannot be ruled out.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner 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 ACJM Tamluk Purba Bardhaman on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. In the event he fails to do so or resorts to dilatory tactics and delay the trial, trial court shall be at liberty to cancel his bail without reference to this court.

7. The application being CRM (DB) 1417 of 2024 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**