

31.7.2024
Ct. No. 6
SL No. 37
S.De/
Tanmoy

C.R.M. (DB) 1470 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Jiaganj** P.S. Case No. 83 of **2024** dated **23.03.2024** under Sections 448/506/376 of the Indian Penal Code.

And

In the matter of: Dibakar Mondal.

Ms. Riya Das, ...for the Petitioner

Mr. Prasun Kr. Datta, APP

Mr. Asif Dewanfor the State

1. Petitioner is in custody for 77 days. Investigation is complete. It is contended petitioner has been falsely implicated. He prays for bail.
2. Learned advocate for the State opposes the bail prayer.
3. In spite of service, nobody appears for the de facto complainant.
4. We have considered the materials on record. Petitioner is in custody for 77 days. Investigation is complete. Allegation of forcible rape requires to be assessed during trial.
5. Under such circumstances we are inclined to grant bail.
6. Accordingly, we direct 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad subject to the condition that the petitioner shall appear before the trial court on each and every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event petitioner fails to appear before the Trial Court without any justifiable cause, the Trial Court shall be at liberty to cancel his bail without any further reference to this Court.

8. The application for bail is, thus, allowed and disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)