

31.7.2024
Ct. No. 6
SL No. 64
SB

C.R.M.(DB) 2325 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Daulatabad** P.S. Case No. **135 of 2024** dated **01.5.2024** under Section 376 of Indian Penal Code.

And

In the matter of: Anarul Sk. @ Babu Sk.

Ms. Minoti Gomes ...for the Petitioner

Ms. Subhasree Patel

Ms. Srilekha Chattopadhyayfor the State

1. Affidavit of service is taken on record.
2. In spite of service nobody appears for the victim.
3. Petitioner contends there was a dispute between the parties over a tying of a goat in the field. He has been falsely implicated in the instant case.
4. Learned counsel appearing for the State opposes the bail prayer.
5. We have considered the materials on record. Allegation of rape requires to be assessed in the light of the dispute by and between the parties over a tying of a goat.
6. Under such circumstances, we are inclined to grant bail to the petitioner.
7. 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 Chief Judicial Magistrate, Berhampore, Murshidabad subject to 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)