

29.08.2024
Item no.93.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2697 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure in connection with **Beldanga Police Station Case No. 402 of 2023** dated **24.05.2023** under **Sections 417/376/506** of the Indian Penal Code.

And

In the matter of : Allaraha Sk. @ Allarakha Sk. @ Babu.

.....Petitioner.

Mr. Arnab Chatterjee,
Mr. Anisur Rahaman,for the Petitioner.

Mr. Bidyut Kumar Roy,
Mr. Monoranjan Mahato,for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned advocate for the petitioner submits that the petitioner is in custody for 11 months. Investigation is complete. The victim lady is aged about 29 years. As investigation is complete, he may be granted bail on any condition. He also points out that though the victim named the present petitioner in the FIR, she did not disclose therein the name of any other person. However, the case of the prosecution has been developed by her when she narrated before the concerned judicial Magistrate that there were two other persons who violated her. The entire facts of

the case are not at all believable. However, he prays for bail on any condition.

2. Learned advocate for the State opposes the prayer for bail. He submits that charge has already been framed and the last date for recording evidence of the witnesses has been fixed on September 26, 2024. There are incriminating materials against the present petitioner and as such his bail prayer should be rejected.
3. We have considered the material-on-record including the case diary. We find that investigation is complete and the petitioner is in custody for about 11 months. There also appears to be prima facie, inconsistencies in the case of the prosecution.
4. Considering all the aspects, the prayer for bail is allowed.
5. Accordingly, we direct that the petitioner, namely **Allaraha Sk. @ Allarakha Sk. @ Babu** 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, Murshidabad at Berhampore and on further conditions that he shall not enter the jurisdiction of Beldanga Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the

Officer-in-Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.

6. The 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.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)