

12.11.2024

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Allowed

C.R.M. (DB) No. 3232 of 2024

In Re:- An application for bail under Section 483 of BNSS in connection with Islampur Police Station Case No. 336 of 2024 dated 22.06.2024 under Sections 376/2(n)/420/406/506 of the Indian Penal Code.

And

In Re : Jiyajul Mondal petitioner

Mr. Golam Nure Imrohi

.... for the petitioner

Ms. Sayanti Santra

Ms. Ankita Pal

.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 138 days. It is also contended he has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure shows petitioner sold a land and did not account for the sale price, i.e. Rs.8,00,000/- to the victim. When she demanded the money she was raped. Possibility of false implication owing to monetary dispute cannot be ruled out. Investigation is complete. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

4. 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 condition that 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.

5. 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 in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)