

06.11.2024
Sl. No.92
SG
[ALLOWED]

C. R. M. (DB) 3320 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.09.2024 in connection with Nakashipara Police Station Case No. 681 of 2024 dated 28.07.2024 under Sections 61(2)/61/316(2)/318(2)/351 of the Bharatiya Nyaya Sanhita, 2023.

And

In Re: ***Apurba Goswami***

... .. Petitioner

Mr. Mukunda Lal Sarkar
Mr. Soumik Ganguly
Mr. Prabir Majumdar
Mr. Sibendu Das

... .. for the petitioner

Ms. Sukanya Bhattacharya
Mr. Samarjit Balial

... .. for the State

1. Petitioner is a bank manager and he submits he has been falsely implicated in the instant case. Principal accused, that is, Selim Mallick has been granted anticipatory bail. Accordingly, he prays for bail.
2. Learned Advocate for the State submits victim had been raped by the petitioner for releasing her loan.
3. We have considered the materials on record. In the FIR there is no allegation petitioner had cohabited with the victim at the behest of Selim Mallick to obtain the loan. This was alleged for the first time before the Magistrate.
4. In view of the aforesaid fact and as the principal accused had been granted pre-arrest bail, we are inclined to grant bail to the petitioner.

5. Therefore, the accused/petitioner, namely ***Apurba Goswami***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar subject to condition that the said 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.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)