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ss Allowed

C.R.M. 11143 of 2019

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure filed on 27.11.2019 in connection with Matigara P.S. Case No. 316 of 2019 dated 15.05.2019 under sections 376/323/506/34 of the Indian Penal Code.

And

In the matter of : Vikash Kumar @ Bikash @ Sindhu Yadav

Ms. Mousumi Bhowal

... .. for the petitioner

Ms. Sukanya Bhattacharjee,
Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that there is delay in lodging first information report and he is in custody for 80 days.

Learned counsel appearing for the State opposes the prayer for bail and submits that petitioner had ravished the victim when she had come home to give tuition to his son.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that there is delay in lodging the first information report and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, 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, Siliguri, Darjeeling subject to the condition that the petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)