

(Via Video Conference)

21.12.2020
D/L-14
Ct-30
(AD)

CRA 482 of 2017
With
IA NO.: CRAN 2 of 2018 (Old No.: CRAN 1819 of 2018)

In the matter of: Maidul Islam @ Gechu

... petitioner.

Mr. Upendra Roy
Mr. Faiyaz Ahmed Khan
Mr. Md. Mustafa
Mr. Sunny Nandy

... for the appellant.

Mr. Ranabir Roy Chowdhury
Ms. Faria Hossain

... for the State.

In Re: IA NO.: CRAN 2 of 2018 (Old No.: CRAN 1819 of 2018)

The application being CRAN 1819 of 2018 is in connection with CRA 482 of 2017 which has not been listed. Now, upon hearing Learned Advocates for both parties, the same is taken up for hearing as on the day's list.

A report from the Superintendent, Baruipur Central Correctional Home is submitted through Registrar Administration (LO&M) wherefrom it is reflected that the petitioner/appellant was in jail for 03 months 22 days during trial and after his conviction on 18.05.2017, he has served sentence for a period of 03 years 07 months 00 days, that is to say, he has served sentence for 03 years 10 months 24 days out of seven years imprisonment awarded against him for charge under Section 376 I.P.C by impugned judgment.

This is an application for bail in connection with criminal

appeal whereby the order of conviction and sentence under Section 376 IPC has been challenged by the appellant. The appeal has been admitted. Department has been directed to call for the LCR and to prepare requisite number of paper books but the appeal is not ready and record has not yet been called for during complete lock down due to pandemic situation. As such, there is least chance of the matter being heard expeditiously. It would appear from the evidence of the victim *prima facie* as per the observation made by the learned Trial Judge in the judgment impugned that the victim girl had the love affair with the appellant.

Therefore, in consideration of the period of detention and further in consideration of the quality of the evidence on record, the appellant is released on bail pending the appeal on furnishing bail 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, Alipore and on further condition that he would attend the trial court below once in a month until further order.

Application IA NO.: CRAN 2 of 2018 (Old No.: CRAN 1819 of 2018) is, accordingly, disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Shivakant Prasad, J.)