

25.11.2020

Item No.22

Ct.No.11

dc.

Allowed

C.R.M. 9206 of 2020
(Through Video Conference)

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No. 617 of 2020 dated 06.09.2020 under Sections 448/376 of the Indian Penal Code (G.R.No. 1848/2020).

And

In the matter of : Sariful Hoque ... Petitioner.

Mr. Koustav Bagchi,
Mr. Arup Sarkar ... For the Petitioner.

Ms. Sukanya Bhattacharya,
Md. Kutubuddin ... For the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

Learned advocate for the petitioner submits that the petitioner is in custody for about 80 days and there has been delay of 3 days of the FIR being registered. The learned advocate further submits that going by the nature of the allegation in the complaint which was addressed to the police authorities, the veracity of the allegation seem to be questionable.

Learned advocate for the State opposes the prayer for bail and draws the attention of this Court to the statement of the victim under Section 164 of the Code of Criminal Procedure as also other statements of the witnesses.

We have perused the materials on record, more particularly, the statement of the victim and having regard to the period of detention of the present petitioner, we are of the opinion that the petitioner may be released on bail at this stage. As such, prayer for bail of the petitioner is allowed.

Accordingly, the petitioner shall be released on bail upon furnishing 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 Additional Chief Judicial Magistrate, Chanchal, Malda subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not leave the jurisdiction of Harishchandrapur Police Station without the permission of the Officer-in-Charge or the learned Additional Chief Judicial Magistrate, Chanchal, Malda.

The Trial Court is directed to see that if the petitioner is absent on any flimsy ground and the trial of the case is impeded or the petitioner creates any obstruction in the progress of the trial, then the Trial Court shall be at liberty

to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application being CRM 9206 of 2020 is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with the necessary formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)