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CRM 9904 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sitalkuchi P.S. Case No.80 of 2020 dated 30.06.2020 under Sections 376/498A/506/109 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

And

In the matter of: Hazrat Ali

....Petitioner.

Mr. Sabbir Ahamed

...for the Petitioner.

Mr. Nilay Chakraborty

Mr. T. Bhattacharya

...for the State.

It is submitted on behalf of the petitioner that there is delay in lodging the First Information Report. He is in custody for 180 days. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail and submits that the victim lady has been ravished by one of the accuseds.

We have considered the materials on record. There is delay for about 35 days in lodging the FIR. Keeping in mind the aforesaid fact and other attending circumstances and considering the period of detention suffered by him and as the investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly we direct that the petitioner shall 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 Additional Sessions Judge, Mathabhanga

subject to condition that the petitioners shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court 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, accordingly, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)