

52 18.12.2020
rkd Ct. No.28
(Allowed)

C.R.M. 10529 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kaliachak** P.S. Case No. **742 of 2020** dated **25/09/2020** under Sections **376/323/506/109** of the Indian Penal Code.

And

In the matter of: Golam Ahmed Mirza @ Totan Sk.

....petitioner.

Mr. A. Bhowmick

...for the petitioner.

Mr. T. K. Ghosh,
Mr. A. Sen

...for the State.

Petitioner is in custody for about 80 days. It is further submitted that there is delay in lodging first information report.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

We have considered the materials on record. Genuineness of allegations of rape may be assessed in the light of the submission that there is delay in lodging the first information report. Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner is directed to 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 Chief Judicial Magistrate, Malda subject to the condition that during bail he shall appear before the learned trial court regularly and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)