

21.12.2020
Item no. 101
Court No.28
AB

C.R.M. No.10589 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Nanoor Police Station Case No.134 of 2020 Dated 08.11.2020 under Sections 448/376 of the Indian Penal Code

And

In the matter of:-

Bimal Garai

... Petitioner

Mr. Sanjib Kr. Dan,
Mr. Saryati Dutta,

.. for the petitioner

Ms. Sukanya Bhattacharya,
Mr. Nirupam Dhali

..for the State

We have considered the materials on record. The allegation of forcible rape may be assessed in the light of the submission relating to the delay in lodging the first information report.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 42 days and as 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, each of whom must be

local, to the satisfaction of the learned Chief Judicial Magistrate, Birbhum, subject to the condition that he 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.)