

24.12.2020
Sl. No.52
akd
[ALLOWED]

C. R. M. 10685 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2020 in connection with Tufanganj Police Station Case No. 661 of 2019 dated 01.11.2019 under Sections 448/376 of the Indian Penal Code. (G.R. Case No.880 of 2019)

And

In Re: ***Mijanur Rahaman @ Mijanur Rahaman Miya***
... .. Petitioner

Mr. Hillol Saha Podder .. Advocate
... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Ld. Addl. Public Prosecutor
Mr. Tapan Bhattacharjee .. Advocate
... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 66 days. It is further submitted that the allegation of forcible rape is out and out false.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record. Victim refused medical examination. Under such circumstances including the period of detention suffered by the petitioner, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Mijanur Rahaman @ Mijanur Rahaman Miya***, 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 Chief Judicial Magistrate, Tufanganj, Coochbehar subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not

intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)