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01-06-2021
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CRM No. 3611 of 2021

(Via Video Conference)

In the matter of an application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Chanchal P.S. Case No. 399 of 2018 dated 24.06.2018 u/s. 376D/392 IPC.

And

In Re : Moklesur Rahaman @ Mulsedur Rahaman @ Laltu-
petitioner (In jail)

Mr. Sudip Banerjee ...for the petitioner

Mr. T.K. Ghosh
Mr. Arindam Sen ... for the State

The allegations against the petitioner is under section 376D/392 IPC.

The petitioner claims that a similarly placed co-accused has already been granted bail by a Co-ordinate Bench of this Hon'ble Bench by an order dated September 13, 2018 passed in CRM 7527 of 2018. The petitioner is already in custody for about 1066 days. The petitioner claims that the medical report does not show any external injury mark or the involvement of the petitioner in the incident.

Learned counsel for the State has produced case diary before this Court. He drew attention of this court to the statement made by the victim. He also drew attention of this

Court to the medical report. He further submits that the co-accused, who has already been enlarged on bail by the Co-Ordinate Bench, stands on the same footing.

Considering the above submissions of the learned counsel appearing for the parties, we think it fit that any custodial interrogation of the petitioner is not required, and accordingly, the petitioner, Moklesur Rahaman @ Mulsur Rahaman @ Laltu will be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Malda. The petitioner shall not intimidate any witness or tamper with the evidence in any manner whatsoever, and he shall be present in every occasion at the time of trial. In the event of default of these conditions, the jurisdictional criminal court will be entitled to cancel the bail without any reference to this Court.

CRM 3611 of 2021 stands allowed.

(Aniruddha Roy, J.)

(Shivakant Prasad, J.)