

32. 29.07.2021
Ct.32
Tanmoy
Allowed

C.R.M. 3686 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on **30.04.2021** in connection with **Dhantala Police Station Case No. 102 of 2021** dated **08.03.2021** under Sections **448/376/506** of the Indian Penal Code.

And

In the matter of: - **Jasimuddin Seikh**

....petitioner.

Ms. Minoti Gomes

...for the petitioner

Mr. Bidyut Kr. Roy,
Ms. Rita Datta,
Mrs. Pushpita Saha

...for the State.

The allegation is that the petitioner, taking advantage of the absence of the victim's husband, committed rape on her.

We have seen the material in the Case Diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. We have also considered the medical report.

The petitioner has been in custody for 230 days. The charge-sheet has been filed. It is anybody's guess as to when the trial will commence and conclude.

Having considered the nature and gravity of the offence and the material in the Case Diary including the statement of the victim lady, we are of the view that this is a case where the petitioner may be enlarged on bail, however, on stringent conditions.

Accordingly, we direct that the petitioner shall 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 learned Additional Chief Judicial Magistrate, Ranaghat, Nadia on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once in a fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner is further directed not to intimidate the witnesses and/or tamper with evidence in any manner whatsoever and shall not commit similar offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail being C.R.M. 3686 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)