

**CRM 4656 of 2021**

In re : An application under Section 439 of the Code of Criminal Procedure, 1973 in connection with Amdanga Police Station Case No. 547 of 2019 dated 01.10.2019 under Sections 448/376 of the Indian Penal Code.

In the matter of : **Omar Faruk @ Faruk Ali Mondal**

**..... petitioner**

**Mr. Tanmay Basu  
Mr. Arun Shaw**

**....For the petitioner**

**Mr. Tanmoy Kumar Ghosh  
Mr. Arindam Sen**

**....For the State**

The allegation against the petitioner is of rape. The petitioner says that he has been falsely implicated. The victim/complainant is a married lady with a child. The petitioner did not indulge in the alleged incident complained of.

We have seen the statements of the witnesses in the case diary including that of the victim lady. There was one month's delay in filing the written complaint. The explanation given for such delay does not *prima facie* appear to be convincing. Medical report reveals no injury. Charge-sheet has been submitted. The petitioner is in custody for about two years. Witness action has started. There are 21 witness to be examined.

On an overall consideration of the material on record, the facts and circumstances of the case and the nature and gravity of the allegation and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Omar Faruk @ Faruk Ali Mondal**, 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 the learned Chief Judicial Magistrate, Barasat, North 24-Parganas and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. The petitioner shall appear before the trial 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 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 is, accordingly, allowed.

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

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**