

08.10.2021
Item no.8.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 4938 of 2021

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 23.07.2021 in connection with Chanchal Police Station Case No.68 of 2021 Dated 17.01.2021 under Section 376 of the Indian Penal Code

And

In the matter of : Manjur Alam @ Monju @ Sanju Sk.

.....Petitioner.

Ms. Minoti Gomes,
Mr. Imdadul Haquefor the Petitioner.

Mr. Debabrata Chatterjee,
Ms. Manashi Royfor the State.

Learned Advocate for the petitioner produces copy of an order dated October 7, 2021 passed by the learned Additional Chief Judicial Magistrate, Chanchal, Malda recording that the petitioner has surrendered before the learned Trial Court in terms of our order dated September 24, 2021.

Let the order be kept with the record.

Now, we take up the bail application for hearing on merits.

The petitioner says that the victim girl, who is a major, voluntarily went with him to a village fair and they had consensual physical relationship. When the girl returned to her

parental house, she was admonished by her parents. She was forced to file this false complaint.

We have seen the material in the case diary. The statement of the victim girl does not appear to be very convincing. There is no injury detected in the medical report. Charge sheet has been submitted after completion of investigation. The petitioner is in custody for about 256 days.

On an overall assessment of the nature of the allegations and the material on record, we are of the view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely Manjur Alam @ Monju @ Sanju Sk. 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 Additional Chief Judicial Magistrate, Chanchal, Malda, and on further conditions that he shall remain within 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 court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence 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 in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)