

CRM 5465 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Phukuria** P.S. Case No. **255/2021** dated **10.07.2021** under Sections **376/506** of the NDPS Act.

And

In the matter of: **Azamul @ Arjaul Hoque**

....Petitioners.

Ms. Minoti Gomes

...for the Petitioner.

Mr. P.K. Datta

Mr. Santanu Deb Roy

...for the State.

It is contended that there was a family dispute between the parties. The petitioner has been falsely implicated in the instant case. The petitioner is in custody for about 5 months.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission with regard to pre-existing enmity.

Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

The prayer for bail is thus allowed.

Let the petitioner 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 Additional Chief Judicial Magistrate, Malda subject to the condition that he shall appear before the learned trial court regularly on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Joymalya Bagchi, J.)

(Bivas Pattanayak, J.)