

08.12.2021
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allowed

**CRM 5757 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 210 of 2021 dated 13.06.2021 under Section 376 of the Indian Penal Code.

And

In Re : Khaledur Rahaman @ Manirul petitioner

Ms. Minoti Gomes
Mr. Kausik Biswas

.....for the petitioner

Mr. N. P. Agarwala
Ms. Subhasree Patel

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that the petitioner is in custody for 178 days. It is further submitted that investigation is complete. It is also submitted that there is inordinate delay in lodging first information report.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. Credibility of the explanation with regard to delay in lodging FIR requires to be assessed in the facts and circumstances of the case during trial. However, in the factual matrix of the case particularly delay in lodging first information report and the period of detention already suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand

Only) 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, subject to the condition that 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 in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)