

CRM 5940 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pursurah Police Station Case No.177 of 2020 dated 28-10-2020 under Sections 376(2)(n)/354(C)/384/506/509/34 of the Indian Penal Code.

- A n d -

In the matter of : Sk. Imran Haque @ Imran

.... Petitioner.

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee

... For the Petitioner.

Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas

... For the State.

The petitioner renews his prayer for bail which was rejected by a coordinate Bench on March 24, 2021 in CRM 1177 of 2021.

The petitioner says that after such rejection, the prime accused, Sk. Rejaul Haque, was granted bail by a coordinate Bench on August 16, 2021 in CRM 2076 of 2021.

The allegation against the petitioner is that while the prime accused raped the victim, the petitioner recorded the incident on his mobile phone and subsequently, blackmailed the victim with such video recording.

While granting bail to the prime accused, the Court had recorded that the mobile phone in question was seized and nothing was found therein.

Considering that the prime accused has been enlarged on bail by this Court and on assessment of the material on record and considering the fact that the petitioner has been in custody for 327 days and Charge Sheet has been submitted upon completion of investigation, we are of the

view that further custodial detention of the petitioner is not necessary.

Accordingly, we direct that the petitioner, namely, **Sk. Imran Haque @ Imran**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Arambagh. 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. The petitioner shall remain within the jurisdiction of the local police station and shall report to the concerned Officer-in-Charge once in every fortnight until further orders.

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 bail in accordance with law without further reference to this Court.

The application for bail being CRM 5940 of 2021 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**