

17.12.2021
cm/ct 28
sl no. 105

C.R.M. 8187 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Islampur P.S Case No. 353 of 2021 dated 11.06.2021 under Section 376 of the Indian Penal Code.

And

Allowed

In Re : Jabbir Alam @ Zabbir Ali

..... petitioner

Mr. Sanjay Mazoomdar

..... for the petitioner

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

..... for the State

It is submitted on behalf of the petitioner there is inordinate delay in lodging the First Information Report.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Credibility of the allegation of forcible rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner in the course of trial. However, in the factual matrix of the case, we are of the opinion custodial interrogation is not necessary and petitioner may be granted pre-arrest bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Petitioner shall appear before the court below and pray for regular bail within two weeks from date.

The application being CRM 8187 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)