

06.01.2022
Sl. No.55
Aloke
Ct. No. 29

C. R. M. (DB) 5 of 2022

[Via Vide Conference]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 24.12.2021 in connection with Harwood Point Coastal Police Station Case No. 366 dated 20.10.2021 under Sections 376(2)(n) of the Indian Penal Code.

And

In Re: **Sagar Das**

... .. Petitioner

Mr. Sumit Routh, Advocate

Mr. Sandip Kr. Mandal, Advocate

... .. for the petitioner

Mr. Sudip Ghosh, Advocate

Mr. Apurba Datta, Advocate

... .. for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated. There is a delay in lodging the first information report.

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

We have considered the materials on record including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. The credibility of allegations of forcible rape requires to be assessed in the light of the aforesaid submission regarding delay in lodging the first information report. Accordingly, in the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Therefore, the accused/petitioner be released on bail upon furnishing 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, Kakdwip, South 24 Parganas, subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever or commit similar offences in future.

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 reference to this court.

The application for bail, thus, stands **allowed**.

(Joymalya Bagchi, J.)

(Bibhas Ranjan De, J.)