

07.06.2022.
13.
Ct.No.28
as
(Allowed).

C.R.M. (DB) 1332 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P. S. Case No.511 dated 31.03.2022 under Sections 376/323/506 of the Indian Penal Code.

In the matter of : Hassen Sk.

... Petitioner.

Mr. Rana Mukhopadhyay.

...for the Petitioner.

Mr. Swapan Banerjee,
Ms. Purnima Ghosh.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that he is in custody for 69 days. It is further submitted that there is unexplained delay in lodging the first information report. Allegation of repeated acts of rape by different persons on the housewife appears to be patently absurd and inherently improbable.

Learned Advocate appearing for the State opposes the prayer for bail and submits that petitioner is one of the persons who had ravished the victim lady.

We have considered the materials on record including the statement of the victim lady. It is alleged she was ravished by a milk man on 15.2.2022 and on the next date i.e. 16.2.2022 by her brothers-in-law viz., Selim Sk. and

the petitioner herein. Although her husband was present, she kept quiet for more than one month and the first information report was lodged on 23.3.2022. Whether the allegation of forcible rape on consecutive days by different persons upon a housewife who remained silent for more than one month is probable or not requires to be assessed during trial. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner, however, subject to strict conditions.

Accordingly, 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 learned Chief Judicial Magistrate, Malda subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of English Bazar Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall

be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)