

28.07.2022
tkm/ct 28
sl no. 39

C.R.M. (DB) 2481 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 of 2022 dated 31.3.2022 under sections 376/323/506 IPC
And

Allowed

In Re : Avijit Ghosh @ Abhijit Ghosh @ Suman Ghosh
..... petitioner

Mr. Kalidas Saha
..... for the petitioner

Mr. Prasun Kr Datta
Mr. S Deb Roy
..... for the State

Petitioner is in custody for 36 days. It is submitted co-accuseds have been granted bail. There was delay in lodging FIR for over a month.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Keeping in mind the facts and circumstances of the case particularly delay in lodging FIR notwithstanding the fact that her husband was available after the incident, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned CJM, Malda condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he 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 being CRM (DB) 2481 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)