

28.07.2022
tkm/ct 28
sl no. 40

C.R.M. (DB) 2483 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nabadwip P.S Case no. 542 of 2021 dated 6.12.2021 under sections 365/366/376/120B IPC and added section 328 of the IPC

And

Allowed

In Re : Sakibul Sk.

..... petitioner

Mr. Arnab Chatterjee
Mr Amanul Islam
Mr. Sourav Mukherjee
Ms. D Biswas

..... for the petitioner

Ms. Z N Khan
Mr. Asoke Das

..... for the State

Petitioner is in custody for 84 days. Investigation is complete.
It is contended there is inordinate delay in lodging FIR.

Learned lawyer for the State opposes the prayer for bail and submits de facto complainant had sent a letter through speed post to the police station but no steps were taken. Subsequently, she preferred an application under section 156(3) Cr.P.C resulting in registration of FIR.

We have considered the materials on record. It is alleged that the petitioner had been wrongfully detained from 9.8.2021 to 27.9.2021 and was ravished. From the letter written by the petitioner it appears that her husband had searched for her at various places. No general diary is placed on record with regard to such efforts.

Under such circumstances, we are opinion whether the petitioner had been forcibly detained or not requires to be assessed in the course of trial.

In the light of the aforesaid facts and in view of the period of detention suffered by the petitioner, 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 Judicial Magistrate, Nabadwip, Nadia on 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) 2483 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)