

08.08.2022
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allowed

CRM(DB) No. 2673 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pandua Police Station Case No. 290 of 2022 dated 04.07.2022 under Sections 341/323/376/511/307/465/506/34 of the Indian Penal Code.

And

In Re : Mir Mojaffar Hossain petitioner

Mr. Suman Chakraborty
.....for the petitioner

Mr. Binay Panda
Ms. Puspita Saha
..... for the State

Learned Counsel for the petitioner submits he is in custody for 35 days. It is also submitted that there is no delay in lodging F.I.R. and petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record. There was a scuffle between the victim housewife and her husband and other in-laws over domestic issue. Whether the allegation of attempt to rape is an embellishment or not requires to be assessed in the backdrop of attending circumstances. There is delay in lodging F.I.R.

Under such circumstances and in view of period of detention suffered by the petitioner we are of the opinion further detention of the petitioner for progress of investigation is not necessary and he may be granted bail.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a 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 Chief Judicial Magistrate, Hooghly, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)