

10.08.2022
tkm/ct 28
sl no. 53

C.R.M. (DB) 2707 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Santipur P.S case no. 369 of 2022 dated 24.4.2022 under sections 363/365/506/34 of the IPC and section 6 of the POCSO Act

Allowed

In Re : Jayanta Das and petitioner

Mr. Prabir Majumdar
Mr. S Majumder

..... for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das

..... for the State

Petitioner is in custody for 106 days. It is submitted investigation is complete.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. There is inordinate delay in lodging FIR. Possibility of bleeding from private parts may be due to a medical condition and not forcible coitus Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances.

Under such circumstances 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 ACJM, Ranaghat, 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) 2707 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)