

24.08.2022  
cm/ct 28  
sl no. 30

**C.R.M. (DB) 2839 of 2022**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Bhutni P.S. Case No. 97 of 2022 dated 12.06.2022 under Section 448/376 of the Indian Penal Code.

**Allowed**

In Re : Moni Mandal.

..... petitioner

Mr. Arup Kumar Bhowmick

..... for the petitioner

Mr. Atif Ahmed Siddiqui

..... for the State

Petitioner is in custody for 37 days. It is submitted that he has been falsely implicated in the instant case. It is further submitted there is delay in lodging the First Information Report.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred at the residence of the victim lady. There is delay in lodging First Information Report. Victim claimed she had informed the local people but lodged written complainant after her husband arrived. Justification of delay requires to be assessed in the backdrop of attending circumstances during trial.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention is not necessary and he may be granted bail.

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 Chief Judicial Magistrate, Malda 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) No. 2839 of 2022 is disposed of.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**