

19.09.2022.
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(Allowed)

C.R.M. (DB) 3159 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchla P. S. FIR No.191 of 2022 under Sections 341/376/406/506 of the Indian Penal Code.

In the matter of : Sk. Obaidulla @ Sk. Obaidullah.
.... Petitioner.

Mr. Sabyasachi Chatterjee,
Mr. Aniruddha Bhattacharyya,
Mr. Badrul Krim,
Ms. R. Ghosh.

...for the Petitioner.

Mr. S. S. Imam,
Mr. Arabinda Manna.

...for the State.

Petitioner is in custody for 97 days. It is submitted allegation of forcible rape is out and out false. He prays for bail.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Victim girl contended petitioner had demanded money to give her employment as an “Asha Worker”. She paid some money. Subsequently, on the date of occurrence petitioner again came to her residence to receive remainder of the money which she was unable to pay. As a result, she was ravished. Although the incident occurred at the residence of the victim who is a married lady, none of the inmates of the house were alerted. There is also delay of about three weeks in lodging the first information report. Credibility

of the explanation for such delay requires to be assessed in the backdrop of attending circumstances of the case during trial.

Keeping in the mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly, the petitioner shall 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, Howrah subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Panchla Police Station except for the purposes of investigation and/or attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

