

28.09.2022
tkm/ct 28
sl no. 33

C.R.M. (DB) 3298 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Haripal P.S case no. 139 of 2022 dated 20.6.2022 under sections 376(2)(n)/417/379/506/411 of the IPC
and

Allowed

In Re : Shek Manirul @ Raju

..... petitioner

Mr. D K Sharma

..... for the petitioner

Mr. S S Imam

Mr. R Jana

..... for the State

It is submitted on behalf of the petitioner that there is delay in lodging FIR. Victim lady was major at the time of incident. Allegation of forcible rape is out and out false. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record including the statement of the victim lady. There is delay in lodging FIR. Allegation of forcible rape requires to be assessed in the light of the factual matrix of the case during trial.

Keeping in mind the aforesaid circumstances and 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, Chandannagar 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) 3298 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)