

28.09.2022
tkm/ct 28
sl no. 79

C.R.M. (DB) 3347 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 544 of 2022 dated 17.7.2022 under sections 376/417/325/506/34 of the IPC
and

Allowed

In Re : Delwar Sk @ Delwar Hossain petitioner

Mr. S Majumder
..... for the petitioner

Mr. Joydeep Roy,
Ms. Sujata Das
..... for the State

Mr. Sourav Mukherjee
.....for the de facto complainant

Petitioner is in custody for 77 days. It is submitted victim was major at the time of cohabitation.

Learned lawyer for the State opposes the prayer for bail.

Learned lawyer for the de facto complainant does not oppose the prayer for bail.

We have considered materials on record. Victim lady was major at the time of cohabitation. Learned lawyer for the victim lady does not oppose the prayer for bail.

In view of the aforesaid circumstances and keeping in mind 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 CJM, 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) 3308 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)