

29.09.2022
120
tkm/sdas
allowed

CRM(DB) No. 3437 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 225 of 2020 dated 26.08.2020 under Sections 341/376/511/506 of the Indian Penal Code and charge-sheet submitted under Sections 341/376/511/506 of the Indian Penal Code.

And

In Re : Jahangir Mia @ Md. Jahangir Mia petitioner

Mr. Kazi Safiullah

.....for the petitioner

Mr. Tanmoy Kumar Ghosh

Mr. Arindam Sen

..... for the State

Learned Counsel for the petitioner submits he is in custody for 28 days. It is also submitted that he has been falsely implicated in the instant case. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner had absconded.

We have considered materials on record. Allegation of attempt to rape the victim requires to be assessed in the light of the aforesaid submission with regard to false implication.

Keeping in mind the aforesaid fact and in view of the period of detention suffered by the petitioner, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) 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 he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)