

12.10.2022

Vacation Bench
SL No.13
S.Banerjee/s.biswas
(Allowed)

C.R.M. (DB) 3538 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raiganj Women** P.S. Case No. **102/2022** dated **20.06.2022** under Sections **341/376/506** of the Indian Penal Code.

And

In the matter of: **Sushanta Roy**

....Petitioner

Mr. Jisan Iqbal Hossain

...for the Petitioner

Mr. Narayan Prasad Agarwala,
Ms. Jonaki Saha

...for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the case. There is delay in lodging the First Information Report. Investigation is complete.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape is required to be assessed in the factual backdrop of the case including the delay in lodging FIR.

Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a Bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Uttar Dinajpur at Raiganj

subject to the condition that the petitioner shall appear before the learned trial court on every day of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail of the petitioner without any further reference to this Court.

The application for bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)