

CRM(DB) No. 3892 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jangipara Police Station Case No. 192 of 2021 dated 15.08.2021 under Sections 376(2)(n)/448/504/506 of the Indian Penal Code subsequently charge-sheet submitted under Sections 376(2)(n)/448/504/506 of the Indian Penal Code.

And

In Re : Sk. Saidul Islam @ Bapi petitioner

Mr. Imtiaz Akhtar

.....for the petitioner

Ms. Faria Hossain

Ms. Baisali Basu

Ms. Mamata Jana

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 250 days. It is also submitted that the allegation of forcible rape is out and out false. There is inordinate delay in lodging F.I.R. Victim has not supported the voice recording in the course of trial.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. There was acquaintance between the petitioner and the victim lady. There is delay of about two months in lodging F.I.R. Victim has already been examined. Hence, there is no possibility of influencing the vulnerable witness.

Whether the allegation of forcible rape is genuine or not requires to be assessed in the light of other evidence on record.

Keeping in mind the aforesaid facts and the period of detention already suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that 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 Additional Sessions Judge, 2nd court, Serampore, Hooghly, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)