

14.11.2022
tkm/ct 28
sl no. 30

C.R.M. (DB) 3935 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Santipur P.S case no. 945 of 2022 dated 10.9.2022 under sections 448/376D/506/34 of the IPC
and

Allowed

In Re : Subhajit Halder @ Papan petitioner

Mr. S Bhattacharyya

..... for the petitioner

Mr. A A Siddique

..... for the State

Petitioner is in custody for 65 days. It is submitted there is delay of two months in lodging FIR. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Petitioner was known to the victim lady. There was free mixing between them. Credibility of her allegation of forcible rape requires to be assessed in the light of the aforesaid circumstance during trial.

Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner, however, subject to conditions.

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 at Krishnagar 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 and on further condition that the petitioner while on

bail shall not enter the jurisdiction of Santipur P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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) 3935 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)