

14.11.2022
tkm/ct 28
sl no. 38

C.R.M. (DB) 3943 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with English Bazar P.S case no. 1000 of 2019 dated 1.10.2019 under sections 498A/376/34 of the IPC read with sections 3/4 of the DP Act
and

Allowed

In Re : Mir Jamiul @ Mir Jamiul Ali petitioner

Mr. M Chatterjee
Mr. D Majumder
Mr. S Paul

..... for the petitioner

Mr. S G Mukherjee, Id PP
Mr. Aniket Mitra

..... for the State

Petitioner is in custody for 62 days. It is submitted there is delay in lodging FIR. Investigation is complete.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. Allegation of rape is bereft of material particulars with regard to the date of occurrence. There is delay in lodging FIR.

Under such circumstances, 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, Malda 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) 3943 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)