

22.11.2022
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allowed

CRM(DB) No. 4063 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 142 of 2022 dated 01.06.2022 under Sections 448/376(1)/354C of the Indian Penal Code subsequently charge-sheet submitted under Sections 448/376(1)/354C/352/506 of the Indian Penal Code.

And

In Re : Naim Sk. @ Naim Hossain petitioner

Mr. Somnath Adhikary
.....for the petitioner

Mr. Prasun Kumar Datta, learned APP
Mr. S. Deb Roy
..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 94 days. It is also submitted that there is delay in lodging F.I.R. Investigation is complete. Petitioner prays for bail.

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

We have considered the materials on record. There is delay in lodging F.I.R. Allegation of uploading objectionable pictures of the victim on social media is not supported by electronic evidence. In view of the aforesaid fact and period of detention suffered by the petitioner and as investigation is complete, 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 Chief Judicial Magistrate, Murshidabad at Berhampore, on condition that 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.)