

30.11.2022
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allowed

CRM(DB) No. 4217 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Lalgola Police Station Case No. 345 of 2022 dated 19.09.2022 under Sections 376/506 of the Indian Penal Code.

And

In Re : Jainuddin Sekh @ Jainuddin Sk. @ Joni Sk. @ Joynuddin Sk. @ Joni. petitioner

Mr. Navanil De
Mr. Rajeshwar Chakraborty
Mr. Srinjan Ghosh
Mr. Subhrajit Dey
.....for the petitioner

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

Learned Counsel appearing for the petitioner submits he is in custody for 63 days. It is also submitted that there is inordinate delay in lodging F.I.R.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had threatened the victim.

We have considered the materials on record. There is delay of about six months in registering F.I.R. Allegation of threat is not supported by any contemporaneous document. Credibility of allegation of rape requires to be assessed in the light of the aforesaid factual matrix particularly delay in registering F.I.R. during trial.

Under such circumstances, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Lalbagh, Murshidabad, subject to 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.)