

07.12.2022
Sl. No.27
[ALLOWED]

C. R. M. (DB) 4311 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.09.2022 in connection with Gangnapur Police Station Case No.14 of 2022 dated 14.01.2022 under Sections 341/323/376 of the Indian Penal Code.

And

In Re: ***Ummat Ali Mondal @ Ummat Mondal***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehanshu Majumder
Mr. Avisek Chatterjee

... .. for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 329 days.

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

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission that the parties are married. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Ummat Ali Mondal @ Ummat Mondal***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders 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 for bail, thus, stands **allowed**.

(Siddhartha Roy Chowdhury, J.)

(Joymalya Bagchi, J.)