

08.12.2022.
34.
as
(Allowed)

C.R.M. (DB) 4342 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Howrah P. S. Case No.324 of 2022 dated 06.07.2022 under Sections 498A/376/406 of the Indian Penal Code.

In the matter of : Shoaib Raza @ Shoeib Raza @
Shoaib Ahmed @ Sheaib Raza.
.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Md. Sabbir Biswas.
...for the Petitioner.

Mr. Saswata Gopal Mukherji, ld. P.P.,
Mr. Aniket Mitra.
...for the State.

Petitioner is in custody for 80 days. Investigation is complete. There is delay in lodging the first information report.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape on the housewife requires to be assessed in the light of the delay in lodging the first information report.

Keeping in mind the aforesaid fact, period of detention suffered by him and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Shoaib Raza @ Shoeib Raza @ Shoaib Ahmed @ Sheaib Raza 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, Howrah subject to

condition that he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Siddhartha Roy Chowdhury,J.)

(Joymalya Bagchi, J.)