

16.12.2022
Sl. No.34
akd
[ALLOWED]

C. R. M. (DB) 4431 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2022 in connection with Kaliachak Police Station Case No.1029 of 2022 dated 14.09.2022 under Sections 313/323/34/363/376D/379 of the Indian Penal Code. (G.R. Case No.5737 of 2022)

And

In Re: **Masidur Sk. @ Masidul Sk.**

... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar
Mr. Debapriya Majumder

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 62 days. A female co-accused lodged criminal case against the husband/de-facto complainant alleging rape. In retaliation, the present case has been registered against her and other family members including the petitioner herein. There is delay of three months in lodging FIR.

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 aforesaid submission relating to prior enmity between the parties. Under such circumstances and in view of the 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 **Masidur Sk. @ Masidul Sk.**, 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 Chief Judicial Magistrate, Malda 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)