

22.12.2022.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 4501 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hhanskhali P. S. Case No.780 of 2022 dated 08.08.2022 under Sections 341/376D/292/506/120B of the Indian Penal Code.

In the matter of : Nitish Biswas @ Litu.

.... Petitioner.

Mr. Asraf Mandal.

...for the Petitioner.

Mrs. Anasuya Sinha,
Mr. Pinak Kr. Mitra.

...for the State.

Petitioner is in custody for about 86 days. Investigation is complete. It is submitted there was matrimonial discord between victim and co-accused. There is inordinate delay in lodging the FIR. Petitioner has been falsely implicated in the instant case. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. There was a matrimonial discord between victim and her husband, a co-accused. A criminal case was registered against the husband and in-laws. Her husband had an affair with another lady, sister of the petitioner. Over this issue, it is alleged petitioner and others forced the victim lady to sign divorce papers. It is further alleged petitioner had repeatedly ravished her. FIR

came to be registered more than three weeks after the incident. Reason for delay was that petitioner and others blackmailed the victim. They threatened her obscene pictures will be uploaded on the social media site. No electronic evidence corroborating the explanation for delay is placed on record. Possibility of exaggeration due to prior enmity between the parties cannot be ruled out.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to strict conditions.

Accordingly, 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, Ranaghat, Nadia subject to condition that the 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 and on further condition that the petitioner shall remain outside the jurisdiction of Hanskhali Police Station except for the purpose of attending court proceeding and shall provide the address where he shall presently reside to the Investigating Officer as well as court below and shall report to the concerned officer-in-charge within whose jurisdiction he shall reside while on bail once in a week until further orders.

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.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)