

13.01.2023.
47.
as
(Allowed)

C.R.M. (DB) 126 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P. S. Case No.510 of 2022 dated 05.11.2022 under Sections 376/506 of the Indian Penal Code.

In the matter of : Debasish Paul.

.... Petitioner.

Mr. J. I. Hossain.

...for the Petitioner.

Mr. Binay Panda,
Ms. Puspita Saha.

...for the State.

Petitioner is in custody for 67 days. It is submitted there is inordinate delay in lodging FIR. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. She alleges rape in 2020. Thereafter, she continued the relationship and finally lodged FIR in 2022. Credibility of her explanation with regard to delay requires to be assessed during trial.

In view of the aforesaid circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Debasish Paul 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, Malda 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)