

07.02.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 474 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 01.02.2023 in connection with Nakashipara Police Station Case No.877 of 2022 dated 14.11.2022 under Sections 376/506 of the Indian Penal Code.

And

In Re: ***Rahatulla Mollick***

... .. Petitioner

Mr. Prabir Majumder
Mr. Snehansu Majumder

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Ms. Mousumi Sarkar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 56 days. It is further submitted the victim who is the daughter-in-law of the petitioner had demanded landed property to be transferred in her name. Petitioner had refused. Subsequently, he has been falsely implicated. There is delay in lodging FIR.

Learned Additional Public Prosecutor opposes the prayer for bail and submits husband of the victim works in Saudi Arabia. Taking advantage of the situation, petitioner raped her.

We have considered the materials on record. Incident is said to have occurred on 02.11.2022. There is some delay in lodging FIR. It is contended there was dispute over the issue of the de-facto complainant demanding properties being transferred in her name. Credibility of the allegations requires to be assessed in the light of the aforesaid submission in course of trial. In view of the aforesaid fact and 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 ***Rahatulla Mollick***, 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, 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)