

20.02.2023
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allowed

CRM(DB) No. 676 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Daulatabad Police Station Case No. 22 of 2021 dated 06.02.2021 under Sections 448/376/506 of the Indian Penal Code and charge-sheet submitted under Sections 448/376/506 of the Indian Penal Code.

And

In Re : Isad Ali @ Isa @ Md. Esad Ali petitioner

Mr. Soumyajit Das Mahapatra
Mr. Tapodip Gupta

.....for the petitioner

Mr. Binay Panda
Mr. Subham Bhakat

..... for the State

Learned Counsel for the petitioner submits he is in custody for 176 days. Investigation is complete. It is also submitted that the allegation of rape is false. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the materials on record during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to him.

Accordingly, we direct that 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 Chief Judicial Magistrate, Berhampore, Murshidabad, subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders

and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)