

23.02.2023
tkm/ct 28
sl no. 70

C.R.M. (DB) 742 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Itahar P.S case no. 520 of 2022 dated 3.10.2022 under section 376 of the IPC
and

Allowed

In Re : Rabul Hossain @ Rabbul Hossain @ Prodhan ... petitioner

Mr. Malay Bhattacharyya
Mr. S Ghosh

..... for the petitioner

Mr. Joydeep Roy
Ms. Sujata Das

..... for the State

Petitioner is in custody for 142 days. It is submitted there is delay in lodging FIR. Investigation is complete. He prays for bail.

Learned lawyer for the State opposes the bail prayer and submits victim became pregnant.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission regarding delay in lodging FIR. Investigation is complete.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 ACJM, Raiganj on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 742 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)