

13.03.2023.
114.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 840 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kushmandi Coastal P. S. Case No.34 of 2021 dated 20.04.2021 under Sections 376D/506 of the Indian Penal Code.

In the matter of : Momenur Rahaman @ Mominur Rahaman.
.... Petitioner.

Mr. Partha Pratim Das,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Sabnam Laskar.

...for the Petitioner.

Mrs. Zareen N. Khan,
Md. Kutubuddin.

...for the State.

Petitioner is in custody for over 400 days. He submits co-accused has been enlarged on bail. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had taken the victim to the place of occurrence. Thereafter she was gang raped.

We have considered the materials on record. Allegation of gang rape involves co-accused Sariful Islam too. A Co-ordinate Bench of this Court was pleased to enlarge him on bail.

Under such circumstances, we are inclined to extend the same privilege to the petitioner also.

Accordingly, the petitioner viz., Momenur Rahaman @ Mominur Rahaman shall be released on bail upon furnishing a bond of Rs.20,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned

Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur 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.)