

20.03.2023
tkm/ct 28
sl no. 63

C.R.M. (DB) 980 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Pukhuria PS case no. 11 of 2023 dated 13.1.2023 under section 376/379/506 IPC
and

Allowed

In Re : Sk. Mansur @ Mansur

..... petitioner

Ms. M Gomes

..... for the petitioner

Md. Imran Ali

Ms. D Sahu

..... for the State

Petitioner is in custody for 636 days. It is contended that there was an illicit relationship between the parties. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim lady. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner during trial.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, 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 Chanchal, Malda 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) 980 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)