

21.03.2023
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allowed

CRM(DB) No. 1005 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 26 of 2021 dated 08.01.2021 under Section 376 of the Indian Penal Code.

And
In Re : Rafikul Sekh petitioner

Mrs. Karabi Roy
.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Sima Biswas
..... for the State

Learned Counsel for the petitioner submits he is in custody for over 800 days. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Vulnerable witnesses i.e. the victim and her mother have been examined. Other witnesses are to be examined and there is no possibility of trial concluding in the near future. Under such circumstances we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to the condition that 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.)