

29.03.2023
Sl. No.47
akd
[ALLOWED]

C. R. M. (DB) 1207 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.03.2023 in connection with Jangipara Police Station Case No.266 of 2020 dated 11.11.2020 under Sections 452/323/325/376/506/504/120B of the Indian Penal Code.

And

In Re: **Sk. Najir**

... .. Petitioner

Mr. Mahfuzus Salam Mollah

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh

Ms. Sonali Bhar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 128 days. It is further submitted there is delay in lodging FIR. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. There is delay in lodging FIR. Though the injuries give an impression of physical assault, credibility of the allegation regarding rape requires to be assessed in the light of delay in lodging FIR and other attending circumstances during trial. Investigation is complete. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Sk. Najir**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that the said petitioner 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)