

03.04.2023
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allowed

CRM(DB) No. 1316 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhubulia Police Station Case No. 39 of 2023 dated 04.02.2023 under Sections 354C/376/506/34 of the Indian Penal Code.

And

In Re : Faraj Chowdhury petitioner

Mr. Ashok Das

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Mr. Atif Ahmed Siddiqui

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. There is delay in lodging F.I.R. Allegation of rape is to be considered in the light of the aforesaid submission during trial. Petitioner is in custody for about two months. 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 Chief Judicial Magistrate, Nadia at Krishnanagar, subject to conditions 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.)