

11.04.2023
tkm/ct 28
sl no. 69

C.R.M. (DB) 1444 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Hariharpara PS case no. 70 of 2022 dated 18.2.2022 under sections 376/506 IPC

And

Allowed

In Re : Mukul Sk @ Mukbul @ Mukbul Sk petitioner

Mr. Ashok Das
Mr. A Islam
Mr. S Mukherjee

..... for the petitioner

Mr. T K Ghosh
Mr. Arindam Sen

..... for the State

It is submitted on behalf of the petitioner that there is delay in lodging FIR. He prays for bail.

Learned lawyer for the State opposes the bail.

We have considered the materials on record. Credibility of the allegation of rape requires to be assessed in the light of the aforesaid submission regarding delay in lodging FIR. Possibility of false implication cannot be ruled out.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner i.e 112 days and as investigation is complete, 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 CJM, Murshidabad at Berhampore 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) 1444 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)