

24.04.2023
tkm/ct 28
sl no. 54

C.R.M. (DB) 1631 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Domkal PS case no. 846 of 2022 dated 28.12.2022 under sections 376D of the IPC

And

Allowed

In Re : Sahidul Islam @ Sahidul Sk

..... petitioner

Mr. S K Das

..... for the petitioner

Ms. Faria Hossain

Ms. Mamata Jana

..... for the State

Petitioner is in custody for 115 days. It is submitted there is a dichotomy in the genesis of the incident as per FIR and the statement of the victim recorded under section 164 Cr.P.C. Accordingly, he prays for bail.

Learned lawyer for the State opposes the bail.

We have considered the materials on record. In the FIR it is alleged that the victim was forcibly raped by two persons, namely, Sahidul Sk and one Suman Sk. In the statement under section 164 Cr.P.C she alleges she had love affair with the petitioner who subsequently raped her.

The aforesaid dichotomy requires to be explained in the course of trial.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 115 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) 1631 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)