

24.04.2023
tkm/ct 28
sl no. 68

C.R.M. (DB) 1646 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Murshidabad PS case no. 32 of 2023 dated 11.1.2023 under sections 376/417/379 of the IPC

And

Allowed

In Re : Kazi Mokbul Ahammed @ Kazi Makbul Ahammed @ Kazi Mokbul Ahamed @ Kaji Makbul Ahamed petitioner

Mr. T Gupta

..... for the petitioner

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

..... for the State

Heard learned lawyers for the parties.

We have considered the materials on record. There was intimate relationship between the parties. Victim had entrusted gold which the petitioner misappropriated. Allegation of rape requires to be assessed in the light of the fact that there was free mixing between the two adults.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner i.e. 75 days, 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 ACJM Lalbagh Murshidabad 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) 1646 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)