

25.04.2023
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allowed

CRM(DB) No. 1669 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara Police Station Case No. 392 of 2020 dated 08.08.2020 under Sections 363/365/34 of the Indian Penal Code adding Section 376 of the Indian Penal Code and charge-sheet submitted under Sections 365/366/376/34 of the Indian Penal Code.

And

In Re : Amit Mondal @ Sarkar petitioner

Mr. Tapodip Gupta

....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Learned Counsel for the petitioner submits there was a consensual relationship between the parties. There is delay in lodging F.I.R. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. There is delay in lodging F.I.R. Allegation of forcible rape requires to be assessed in the light of the attending circumstances during trial.

Keeping in mind the aforesaid facts and period of detention suffered by the petitioner i.e. 138 days and as investigation is complete, we are inclined to grant bail to the him.

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, Krishnagar, Nadia, 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.)