

26.04.2023.
30.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1678 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Thanapara P. S. Case No.23 of 2023 dated 02.02.2023 under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Eklach Malithya @ Abujar Sk @ Eklas.
.... Petitioner.

Mr. Atis kr. Biswas,
Mr. Jyto Agarwal.

...for the Petitioner.

Mr. S. S. Imam, Jr. Govt. Adv.,
Mr. S. Kundu.

...for the State.

It is submitted on behalf petitioner there is delay in lodging the first information report. Allegation of forcible rape is out and out false.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Allegation for forcible rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. Investigation is complete. There is no chance of abscondence of the petitioner. Hence, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Eklach Malithya @ Abujar Sk @ Eklas 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 Additional Chief Judicial Magistrate, Tehatta, Nadia subject to condition that he shall appear before the trial court on every

date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)