

17.05.2023
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allowed

CRM(DB) No. 1990 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 819 of 2022 dated 24.07.2022 under Sections 341/376/511/34 of the Indian Penal Code.

And
In Re : Paritosh Mandal petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Mr. Santanu Chatterjee
Ms. Mousumi Sarkar
.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. There is delay in lodging F.I.R. Credibility of allegation of rape requires to be assessed in the light of the aforesaid circumstance during trial. Petitioner is in custody for more than a month. Investigation is complete. Hence, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Chanchal, Malda, 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.)