

03.07.2023.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2327 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Beldanga P. S. Case No.272 of 2023 dated 14.04.2023 under Section 376 of the Indian Penal Code.

In the matter of : Md. Rfaijul Hoque @ Nifajaddin Sk.
.... Petitioner.

Mr. Kingshuk Mondal.
...for the Petitioner.

Mr. Siladitya Banerjee.
...for the State.

Petitioner submits allegation of forcible rape is an out and out false. He is in custody for 80 days. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim lady. In her statement, the victim claimed that she had been subjected to forcible rape earlier. No complaint was lodged with regard to such conduct. Credibility of the allegation requires to be assessed in the light of the aforesaid circumstance during trial.

Keeping in mind the aforesaid facts and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Md. Rfaijul Hoque @ Nifajaddin Sk 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, Murshidabad at Berhampore 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.)