

04.07.2023
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allowed

CRM(DB) No. 2498 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 1100 of 2022 dated 02.12.2022 under Sections 420/323/354/376/506 of the Indian Penal Code.

And

In Re : Jahangir Alam @ Sk. Jahangir petitioner

Mr. Sandipan Ganguly, Sr. Adv.

Mr. Arup Sarkar

Ms. Roma Roy

....for the petitioner

Mr. Pravas Bhattacharya

Mr. Mirza Firoj Ahmed Begg

.... for the State

Learned Counsel for the petitioner submits he is in custody for 192 days. It is also submitted there is inordinate delay in lodging FIR. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had induced the victim to come with him on the false promise of giving employment. Thereafter he ravished her.

We have considered the materials on record. There is inordinate delay in lodging FIR. Allegation that the petitioner had induced the victim to accompany him on the false promise of giving employment requires to be assessed in the course of trial. There is no explanation for delay in lodging FIR.

Under such circumstances, 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.)