

31.07.2023
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allowed

CRM(DB) No. 3017 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 864 of 2018 dated 21.11.2018 under Sections 448/376/506/379/34 of the Indian Penal Code.

And

In Re : Mejar Molla @ Mejanul Molla petitioner

Mr. Jisan Iqubal Hossain

....for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Learned Counsel for the petitioner submits he is in custody for 84 days. Investigation is complete. It is also contended there is delay of two months in lodging FIR. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits petitioner had absconded for a considerable period of time.

We have considered the materials on record. There is delay in lodging FIR. Credibility of allegation of theft in the household and rape require to be assessed in the light of delay in lodging FIR during trial. Co-accused are on bail. Accordingly, we are of the opinion petitioner may be enlarged on bail, however, subject to strict conditions.

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, Berhampore, on further conditions that while on bail petitioner shall remain within the jurisdiction of Domkal Police Station and shall report to the Officer-in-Charge of Domkal Police Station once in a week until further orders. 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)