

06.10.2023
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 3441 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.08.2023 in connection with Khardah Police Station Case No.425 of 2023 dated 04.07.2023 under Sections 341/354/376/506 of the Indian Penal Code. (G.R. Case No.5704 of 2023)

And

In Re: ***Abdul Mastan Purkait @ Akash Pukait***
... .. Petitioner

Md. Ashraf Ali
Mr. Sankar Banerjee
... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy
... .. for the State

1. It is submitted on behalf of the petitioner that there is delay in lodging FIR. Allegation of forcible rape is out and out false. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had intimidated the victim after the registration of the case.
3. We have considered the materials on record. There is delay in lodging FIR. Allegation of forcible rape may be assessed in the light of the aforesaid circumstances during trial. Allegation of intimidation of the victim may be addressed by imposing appropriate restrictions on the movement of the petitioner.
4. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.
1. Therefore, the accused/petitioner, namely ***Abdul Mastan Purkait @ Akash Pukait***, be released on bail upon furnishing a bond of

Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Barrackpore, North 24-Parganas subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of the district of North 24-Parganas except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)