

04.10.2023
Sl. No.20
akd
[ALLOWED]

C. R. M. (DB) 3640 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.09.2023 in connection with Islampur Police Station Case No.332 of 2023 dated 11.08.2023 under Sections 448/376 of the Indian Penal Code. (G.R. Case No.2654 of 2023)

And

In Re: ***Sujan Sk.***

... .. Petitioner

Md. Golam Nure Imrohi

... .. for the petitioner

Mr. Dwaipayan Banerjee

Md. Anas Saikh

Mr. Nayan Shaikh

... .. for the de-facto complainant

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for over 48 days. It is further submitted petitioner was known to the family of the victim lady. He has been falsely implicated. Allegation of forcible rape is patently absurd. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail.
4. We have considered the materials on record including the statement of the victim lady. Victim stated petitioner came into her room and misbehaved with her. She cried out. Thereupon the petitioner raped her. Credibility of her version requires to be assessed in the light of attending circumstances particularly the improbability of intervention from other inmates or locals when the victim had cried out for help. There is no chance of abscondence of the petitioner.

5. Under such circumstances and in view of the period of detention suffered by the petitioner, 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.
6. Therefore, the accused/petitioner, namely **Sujan Sk.**, 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, Lalbagh, Murshidabad 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 Islampur Police Station 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.
7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)