

30.11.2023

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Allowed

C.R.M. (A) No. 4823 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Egra Police Station Case No. 188 of 2021 dated 19.04.2021 under Sections 447/323/376/506/34 of the Indian Penal Code.

And

In Re : Murari Jana @ Murali Jana & Ors.. petitioners

Mr. Mazahar Hossain Chowdhury

.....for the petitioners

Mr. Anwar Hossain

Mr. Arif Ekbal Molla

....for the State

1. Learned Counsel for the petitioners submits there is inordinate delay in lodging FIR. It is also submitted they have been falsely implicated. They pray for bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. We have considered materials on record. There is delay in lodging FIR. Credibility of allegation of rape has to be considered in the light of the aforesaid circumstances during trial. Investigation is complete and there is no chance of abscondence. Accordingly, we are inclined to grant anticipatory bail to the petitioners.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, with two

sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioners shall appear before the court below and pray for regular bail within a period of four weeks from date.

5. This application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)