

27.02.2023

Sl. No.116

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (DB) 115 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.02.2023 in connection with Malbazar Police Station Case No.741 of 2022 dated 01.10.2022 under Sections 363/365/368/376 of the Indian Penal Code. (G.R. Case No.5568 of 2022)

And

In Re: ***Lablu Haque @ Lablu Hak***

... .. Petitioner

Mr. Biswarup Roy

... .. for the petitioner

Mr. Saikat Chatterjee

Mr. Chattu Roy

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for more than three years. It is further submitted victim was a major lady. She voluntarily left with the petitioner. Subsequently, petitioner has been falsely implicated.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim. Her statement requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. 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.

Therefore, the accused/petitioner, namely ***Lablu Haque @ Lablu Hak***, 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 Chief Judicial Magistrate, Jalpaiguri 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.

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.

The application for bail, thus, stands **allowed**.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)