

01.05.2023
KC (7)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(DB) 163 of 2023

In the Matter of : Asadul Rahaman
..... petitioner.

Mr. Subhasish Misra
Mr. Swarup Das.....For the petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee.....For the State.

This is an application for grant of bail filed under Section 439 of the Code of Criminal Procedure, 1973 in connection with F.I.R. No. 3 of 2023 dated 12th January, 2023 under Sections 448/376/506 of the Indian Penal Code corresponding to G.R. Case No. 15 of 2023 pending before the court of learned Additional Chief Judicial Magistrate, Dinhata, Cooch Behar.

The accusation against the petitioner is of rape after house trespass. The petitioner and the victim are neighbours. Both are about 28 years of age. The alleged incident took place on 31st December, 2022. The F.I.R. was lodged 12 days later on 12th January, 2023.

Charge-sheet has been filed on 15th March, 2023.

The petitioner is in custody for 105 days.

Considering the above facts and circumstances, we allow this application for bail on the following conditions:

The petitioner will be enlarged on bail upon furnishing a bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar on the following conditions:

1. The petitioner shall deposit his passport, if he has one, with the investigating officer,
2. He shall report before the said officer as and when summoned,
3. The petitioner shall not leave the limits of the District Cooch Behar where he resides without informing the I.C.,
4. He shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
5. The petitioner shall attend the court on each and every day of trial, in default, the court shall be at liberty to cancel the bail bond without any reference to this bench.

The application for bail [CRM (DB) 163 of 2023] is,
accordingly, disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)