

10.01.2024
Sl. No.42
akd
[ALLOWED]

C. R. M. (DB) 53 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.01.2024 in connection with Mogra Police Station Case No.395 of 2023 dated 14.10.2023 under Sections 448/376/379/506 of the Indian Penal Code. (G.R. Case No.2914 of 2023)

And

In Re: **Sunil Singh**

... .. Petitioner

Mr. Suman Chakraborty

... .. for the petitioner

Mr. Iqbal Kabir

... .. for the State

1. It is submitted on behalf of the petitioner that there was free mixing between himself and the victim who worked at the same place. There is delay in lodging FIR. Allegation of forcible rape is out and out false. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. There is delay in lodging FIR. Petitioner was known to the victim as they worked in the same institution. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete. There is no chance of abscondence of the petitioner. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely **Sunil Singh**, 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, Hooghly 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.

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.)