

20.02.2024
tkm/ct 28
sl no. 44

C.R.M. (DB) 515 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kolaghat PS case no. 328 of 2022 dated 22.6.2022 under sections 363/365/366/376/506 IPC
and

Allowed

In Re : Sk Miraj Ali

..... petitioner

Mr. A R Pati

..... for the petitioner

Mr. Suman De

..... for the State

1. Petitioner submits he has been granted pre-arrest bail. Subsequently, he surrendered and had been taken into custody. He submits the allegation of rape is false and prays for bail.
2. Learned lawyer for the State submits after grant of pre-arrest bail, offence under section 376 IPC was added. Petitioner had personated to be a man of different religion and cohabited with the victim.
3. We have considered the materials on record. Statement of the victim recorded under section 164 Cr.P.C appears to be an embellishment when compared with the FIR. In the FIR she admitted she was living with the petitioner as husband and wife. It is to be seen during trial whether the victim was aware of his religion at the time of cohabitation or not. There is no chance of abscondence.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the

learned ADJ, 4th Court, Tamluk on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

6. 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.
7. The application being CRM (DB) 515 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)