

20.03.2024
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allowed

CRM (DB) No. 723 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Saktipur Police Station Case No. 284 of 2023 dated 07.12.2023 under Sections 354D/376/506 of the Indian Penal Code.

And
In Re : Bulet Sk. petitioner

Mr. Arnab Chatterjee
Mr. Anisur Rahaman
....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Arup Sarkar
.... for the State

1. Learned Counsel for the petitioner submits allegation of forcible rape is false. There is delay in lodging FIR. He prays for bail.

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

3. In spite of service of notice nobody appears for the victim.

4. We have considered the materials on record. There is considerable delay in trial. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstance during trial. Investigation is complete. There is no chance of abscondence. Accordingly, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner shall 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 Chief Judicial Magistrate, Murshidabad at Baharampur, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)