

08.03.2024
Sl. No.39
akd
[ALLOWED]

C. R. M. (DB) 759 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.02.2024 in connection with Gangarampur Police Station Case No.159 of 2023 dated 16.04.2023 under Sections 498A/325/307/376/195A/506/34 of the Indian Penal Code. (G.R. Case No.365 of 2023)

And

In Re: ***Mantaj Mia @ Mantaj Ali***

... .. Petitioner

Mr. Mazhar Hossain Chowdhury

... .. for the petitioner

Mr. Avishek Sinha

... .. for the State

1. Petitioner is the brother-in-law of the victim lady.
2. It is submitted on behalf of the petitioner that he is in custody for about 198 days. It is further submitted petitioner has been falsely implicated due to matrimonial dispute. Investigation is complete. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the prayer for bail and submits petitioner had tried to rape the lady while her husband was absent.
4. We have considered the materials on record. Allegation of rape is bereft of material particulars with regard to date and time. Petitioner is not responsible for the assault upon the victim lady. There is delay in lodging FIR. Investigation is complete. There is no chance of abscondence. 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.
5. Therefore, the accused/petitioner, namely ***Mantaj Mia @ Mantaj Ali***, 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 Additional Chief Judicial Magistrate, Gangarampur at Buniadpur, Dakshin Dinajpur 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.

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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)