

15.04.2024
tkm/ct 28
sl no. 39

C.R.M. (DB) 1137 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Daulatabad P.S case no. 6 of 2024 dated 2.1.2024 under sections 376/506 IPC
and

Allowed

In Re : Anowar Hossain @Rakesh ... petitioner

Mr. J I Hossain

..... for the petitioner

Ms. Z N Khan

Ms. Kanchan Roy

..... for the State

1. Petitioner submits he is the brother-in-law of the victim lady. Earlier a criminal case alleging cruelty was registered by the victim lady in 2022. He and other in-laws were granted bail. In retaliation, the present case has been registered. He prays for bail.

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

3. We have considered the materials on record. We have also noted her statement. She alleges on 11.10.2023 while she was going to the bathroom, petitioner had attacked and raped her. It may not be out of place to note since 2022 she was staying at her parental home. Had the petitioner sexually predated the victim as alleged, inmates of her parental house would have immediately reacted and lodged FIR. However, FIR came to be registered 20 days after the incident. In this background, possibility of false implication of the petitioner due to prior enmity cannot be ruled out. Petitioner is in custody for 71 days.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the 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 CJM Murshidabad at Berhampore 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) 1137 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)