

02.05.2024
Sl. No.27
akd
[ALLOWED]

C. R. M. (DB) 1181 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.04.2024 in connection with Jalangi Police Station Case No.419 of 2023 dated 16.12.2023 under Section 376 of the Indian Penal Code and subsequently charge sheet submitted under Sections 448/376/506 of the Indian Penal Code. (G.R. Case No.5974 of 2023)

And

In Re: ***Rakibul Islam @ Molla***

... .. Petitioner

Mr. Arnab Chatterjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Arani Bhattacharyya

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 138 days. It is further submitted there is inordinate delay in lodging FIR. Investigation is complete. Accordingly, he prays for bail.
2. Report is placed on record.
3. Learned Advocate for the State opposes the prayer for bail.
4. Inspite of notice, nobody appears on behalf of the victim.
5. We have considered the materials on record. Credibility of the allegation is to be seen in the light of the submission that there is inordinate delay i.e. 45 days in lodging FIR. Investigation is complete. 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.
6. Therefore, the accused/petitioner, namely ***Rakibul Islam @ Molla***, 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, Murshidabad at Berhampore 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.

7. 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.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)