

25.04.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 1191 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.04.2024 in connection with Ranaghat Police Station Case No.620 of 2023 dated 21.09.2023 under Sections 376/506 of the Indian Penal Code. (G.R. Case No.3710 of 2023)

And

In Re: ***Sk. Nurul Islam @ Sk. Noor Alam @ Noor Islam***
... .. Petitioner

Ms. Minoti Gomes
... .. for the petitioner

Mr. Jaydeep Biswas
Mr. Saptarshi Chakraborty
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for more than seven months. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the de-facto complainant/victim.
4. We have considered the materials on record including the statement of the de-facto complainant/victim. She stated petitioner had seduced her on the false promise of giving employment. Thereafter he took her objectionable pictures and raped her. No evidence with regard to objectionable pictures being taken by the petitioner is placed on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial. 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 ***Sk. Nurul Islam @ Sk. Noor Alam @ Noor Islam***, 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, Ranaghat, Nadia 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)