

CRM (DB) 2305 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Raninagar Police Station** Case No. **278 of 2024** dated **17.05.2024** under Sections **376(2)(n)/506** of the Indian Penal Code.

- A n d -

In the matter of : Nasim Sk

.... Petitioner.

Mr. Sagar Saha,
Mr. N. Seikh,

... For the Petitioner.

Mr. Anwar Hossain,
Ms. Nandini Chatterjee,

... For the State.

1. Petitioner contends the allegation of forcible rape is false.

He is in custody for 71 days. He prays for bail.

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

Nobody appears for the victim.

3. We have considered the materials on record including the statement of the victim. In her statement, the victim alleges that the petitioner had taken her to Lalbagh for medical treatment. He raped her in the hotel and thereafter he had also raped her in the vehicle. There is no explanation why after the alleged act of rape in the hotel the victim remained in the company of the petitioner. Credibility of her version requires to be assessed in the anvil of probability during trial. There is no chance of abscondence.

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

5. Accordingly, we direct that the petitioner, namely, **Nasim Sk**, 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 Additional Chief Judicial Magistrate, Lalbagh, Murshidabad and on further conditions that the 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 adhere to any of the conditions stipulated above 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.**)