

11.01.2024
GB/Sayandeep
ct 28
sl no. 69
Allowed

C.R.M. (DB) 83 of 2024

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Junput Costal PS case no. 60 of 2023 dated 19.06.2023 under sections 498A/323/325/354A/376(2)(m)/379/494/506/34 and Section 4 of the Dowry Prohibition Act.
and

In Re : Nimai Mandal. petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick
..... for the petitioner
Mr. Ashok Das
..... for the State

1. Petitioner is in custody for 164 days. He submits that there is inordinate delay in lodging First Information Report. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. There was a matrimonial dispute between the defacto complainant and her husband. The petitioner is the brother-in-law. The allegation of rape by the petitioner requires to be assessed in the light of pre existing enmity and delay in lodging FIR during trial. Investigation is complete. There is no chance of abscondance. Hence we are inclined to grant bail.
4. 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 ACJM, Contai 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.

5. 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.
6. The application being CRM (DB) 83 of 2024 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)