

31.01.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 4824 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 20.12.2023 in connection with Palashipara Police Station Case No.380 of 2023 dated 02.12.2023 under Sections 448/376/506 of the Indian Penal Code.

And

In Re: ***Jahidul Sk.***

... .. Petitioner

Mr. Arnab Chatterjee
Mr. Amanul Islam
Mr. Sourav Mukherjee
Ms. Dhanasree Biswas
Ms. Poulami Bose

... .. for the petitioner

Mr. Ashok Das

... .. for the victim

Mr. Arijit Ganguly
Mr. Nirupam Dhali

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 79 days. It is further submitted victim was a married lady and there was a romantic relationship between the parties. Petitioner has been falsely implicated in the instant case. Accordingly, he prays for bail.
2. Learned Advocate for the State produces the case diary.
3. Victim is present in court.
4. Learned Advocate for the victim submits his client has obtained divorce from the earlier marriage and intends to marry the petitioner.
5. We have considered the materials on record. In view of the submissions made at the Bar, we are of the opinion allegation of forcible rape appears to be improbable. Keeping in mind the said fact and 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 ***Jahidul Sk.***, 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, Tehatta, 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.
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.)