

19.10.2020

BP/BR
Sl.15

CRM 7922 of 2020
With
CRAN 1 of 2020

(Via Video Conference)

In re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 in connection with Gopalnagar Police Station Case No. 13/93 dated 17.02.1993 under Sections 363/366 of the Indian Penal Code.

In the matter of : Sadhan Chandra Sarkar....petitioner

Mr. Parthapratim Das
..for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Dutta
..for the State.

The petitioner undertakes to appropriately stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

Mr. Parthapratim Das, learned advocate for the petitioner submits that both the petitioner and the victim girl are adult and there is a love affair between the parties. Out of that love affair the victim girl voluntarily left with the accused. Considering the

same, the petitioner was enlarged on bail from the court below. Unfortunately, the petitioner failed to attend the court for sometime. Accordingly, the warrant of arrest was issued against him. Thereafter, the petitioner was arrested. Hence, the present application for bail is filed by the petitioner.

Learned advocate for the State opposes the prayer for bail but did not deny the submission of Mr. Das, learned advocate for the petitioner.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the order passed by the learned court below, in our considered view, we find that both the petitioner and the victim girl are adult and there is a love affair between the parties and out of love affair the victim girl voluntarily left with the petitioner. Therefore, the petitioner should be enlarged on bail.

Accordingly, the prayer for bail is allowed.

Let the petitioner 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 CJM, Barasat, North 24 Parganas subject to the condition that during bail the petitioner shall appear before the learned trial court regularly till disposal of the trial and the petitioner shall not

intimidate witnesses or tamper with evidence in any manner whatsoever,

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any reference to this court.

The application for bail being C.R.M. 7922 of 2020 and CRAN 1 of 2020 are disposed of.

(Samapti Chatterjee, J.)

(Aniruddha Roy, J.)