

05.11.2020

Item no. 12

Ct.8

SSI/CHC

Allowed

**C.R.M. No.8831 of 2020
(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Jhalda Police Station Case No. 136 of 2020 dated 14.10.2020 under Sections 417/376/313/323/325/506 of the Indian Penal Code.

And

In the matter of:-

Surud Iqbal

... Petitioner

Mr. Firdous Samim,
Ms. Gopa Biswas

.. for the petitioner

Mr. Swapan Banerjee,
Mr. Suman De

..for the State

Learned advocate for the petitioner submits that the petitioner is in custody for about 22 days and the nature of the allegations itself reflects that there was consent from both the parties.

Learned advocate further submits that having regard to the nature of the allegations and the subsequent offences so alleged further detention of the petitioner is unwarranted.

Mr. Banerjee, learned advocate appearing for the State draws the attention of this Court to the statement recorded under Section 164 Cr.P.C. of the complainant/victim.

We have taken into account the allegations against the petitioner, the age of the complainant/victim as well as that of the accused, the educational qualifications of both the complainant/victim and the accused and the issue of consent as contended by the learned advocate for the petitioner.

Having regard to the materials on record, we are of the opinion that the petitioner has *prima facie* made out the case for release on bail. Accordingly, the prayer for bail of the petitioner is allowed.

The petitioner shall furnish a bond of Rs.20,000/- (Rupees Twenty Thousand only), with two sureties of like amount each, to the satisfaction of the Learned C.J.M, Purulia and on condition that the petitioner shall not tamper with evidence and/or intimidate the witnesses.

It is further directed that the petitioner shall meet the Investigating Officer of the case once in a week for the next four months.

With these observations, CRM 8831 of 2020 is disposed of.

Learned appropriate Trial Court as well as all concerned authorities shall act in terms of the copy of the order downloaded from the official website of this Court.

(Ashis Kumar Chakraborty, J.)

(Tirthankar Ghosh, J.)