

21.12.2020  
Item no. 90  
Court No.28  
AB

**C.R.M. No.9431 of 2020**

**(Via Video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.334 of 2020 Dated 12.10.2020 under Sections 376/417 of the Indian Penal Code

And

In the matter of:-

Sanam Oraon

... Petitioner

Mr. Raja Biswas,  
Mr. Avijit Sarkar

.. for the petitioner

Mr. Tapan Bhattacharya

..for the State

It is submitted on behalf of the petitioner that he is in custody for 71 days and there was a love affair between the petitioner and the defacto complainant.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of rape may be assessed in the light of the aforesaid submission relating to amorous relationship between the parties.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, each of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar, subject to the condition that he 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.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Suvra Ghosh, J.)**

**(Joymalya Bagchi, J.)**

