

01.12.2020
SL No.57
AP

CRM 9501 of 2020
(Through Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Burdwan** P.S. Case No.**1034 of 2019** dated **21.12.2019** under Sections **363/365/368/120B/ 34** of the Indian Penal Code.

And

In the matter of: **Surajit Jash**

....Petitioner.

Mr. Dipankar Additya,
Mr. Pinaki Bhattacharyya

...for the Petitioner.

Mr. Firdous Samim,
Ms. Gopa Biswas

... for the Intervenor.

Mr. Pradipta Ganguly

...for the State.

It is submitted on behalf of the petitioner that the victim is a married lady and had an illicit affair with the petitioner and he is in custody for about 120 days.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner had cohabited with the victim on a false promise of giving employment and subsequently she became pregnant.

We have considered the materials on record. We note that the fact the victim was a major married lady at the time of cohabitation. Whether the relationship was consensus or a product of deceit may be assessed at the appropriate stage of the proceeding in accordance with law. Having considered the aforesaid facts and the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

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 Chief Judicial Magistrate, Purba Bardhaman (Sadar) 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 further reference to this Court.

The application for bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)