

**17.12.2020**

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**b.das**

**CRM 9698 of 2020**

**(Via Video Conference)**

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bhagwangola P.S. Case No.407 of 2020 dated 21.08.2020 under Sections 376(D)/417 of the Indian Penal Code.

And

In the matter of: Ruhul Amin @ Munna @ Panchu

....Petitioner.

Mr. A. A. Alamgir

...for the Petitioner.

Mr. S.G. Mukherjee, Ld. PP.

Mr. P.P. Das

...for the State.

It is submitted on behalf of the petitioner that there was an illicit relation between the petitioner and the victim lady who is married woman. The allegations are out and out false.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. It appears that the victim had voluntarily accompanied the petitioner to the place of occurrence. That apart, there is no medical report disclosing forcible rape. In view of the aforesaid facts and period of detention suffered by the petitioner that is 115 days, we are of the opinion that petitioner may be granted bail.

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, one of whom must be local, to the satisfaction of the learned ACJM, Lalbagh, Murshidabad subject to condition that the petitioner 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.)**