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CRM 9988 of 2020

(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P.S. Case No.660 of 2020 dated 03.11.2020 under Sections 376(2)(1)(n)/313 of the Indian Penal Code.

And

In the matter of: Bapi Paswan

....Petitioner.

Mr. A. Karmakar

...for the Petitioner.

Mr. Rana Mukherjee
Ms. Sujata Das ...for the State.

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated in the instant case. It is also submitted that there is no material to show that the victim was forced to abort. He is in custody for 34 days.

Learned lawyer for the State opposes the prayer for bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission there was a love affair between the parties and in the light of the period of detention suffered by the petitioner, 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 CJM, Malda 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.**)