

14.12.2020
tkm
sl no. 79

**C.R.M. 10349 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chanchal P.S. Case No. 983 of 2020 dated 30.10.2020 under Section 376 of the Indian Penal Code

And

Allowed In Re : Sasthi Das @ Sasti Das petitioner

Mr Arup Sarkar

..... for the petitioner

Ms. Sukanya Bhattacharya

Md. Kutubuddin

..... for the State

It is submitted that the victim was a consenting party and had voluntarily accompanied the petitioner.

Allegation of forcible rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner which also finds resonance from the statement of the victim recorded under section 164 Cr.P.C.

In view of the aforesaid fact and the period of detention suffered by the petitioner i.e. 45 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local to the satisfaction of the learned ACJM, Chanchal, Malda on condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM 10349 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)