

14.07.2021

Court No.28
Item No.10

CRM 1855 of 2021
(Via Video Conference)

**Skb
&
As**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Farakka Police Station Case No. 357 of 2020, dated 10.12.2020 under Sections 376(1) of the Indian Penal Code.

And

In the matter of : **Dablu Singh.**

...Petitioner

Mr. Tapodip Gupta.

...For the Petitioner

**Ms. Sukanya Bhattacharyya,
Md. Kutubuddin.**

...For the State.

The Advocate on Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

The petitioner has filed the instant application for bail under Section 439 of the Code of Criminal Procedure after being arrested in connection with Farakka Police Station Case No. 357 of 2020, dated 10.12.2020 under Sections 376(1) of the Indian Penal Code.

Petitioner is said to have established a physical relationship with the victim promising her to marry, but ultimately marriage could not be held.

Learned Advocate for the petitioner submits that he

has been falsely implicated in this case out of a love relationship with the victim. Charge sheet in this case has since been submitted requiring no further detention of the petitioner. According to petitioner, the alleged act of violation is a product of consensual sex on a false promise.

Learned Advocate for the State raises objection against the prayer for bail drawing our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. It is further submitted that the petitioner refused to marry the victim girl even after establishing a physical relationship.

Having considered the submissions of both sides and bearing in mind the consensual sex between the parties out of love relationship, we are not inclined to detain the petitioner any more in custody.

The prayer for bail of the petitioner is thus allowed.

Accordingly, the petitioner **Dablu Singh**, shall be released on bail upon furnishing a bond of Rs.10,000 /- each (Rupees Ten Thousand), with two court sureties of like amount each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Jangipur, Murshidabad subject to the condition that the petitioner shall appear before the Trial Court on every date of hearing until further orders.

In the event the petitioner fails to do so without any justifiable cause, the Trial Court shall be at liberty to pass necessary order in accordance with law without any further

reference to this Court.

The application for bail, being CRM 1855 of 2021, is thus **disposed of**.

(Harish Tandon, J)

(Subhasis Dasgupta,J.)