

(Via Video Conference)

CRM 2021 of 2021

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Taherpur Police Station** Case No. **198 of 2020** dated **25.11.2020** under Section **376** of the Indian Penal Code.

- A n d -

In the matter of : Narottam Mondal

.... Petitioner.

Mrs. Minoti Gomes

... For the Petitioner.

Mr. Sukanya Bhattacharyya,
Mr. Md. Kutufuddin,

... For the State.

The allegation is that the petitioner went to the house of the complainant/victim and raped her when the victim's husband was away.

The petitioner, who is about 52 years old, says that he and the complainant, who is about 50 years old, had a long-standing relationship. One day, the complainant's husband found the petitioner and the complainant in a compromised position. Ten days thereafter, the present complaint was lodged.

We have considered the material in the case diary including the statement of the complainant/victim recorded under Section 164 of the Code. Charge sheet has already been filed.

On an overall assessment of the facts and circumstances of the case and the nature and gravity of the charge as well as the extent of complicity of the petitioner in

the alleged offence, we are inclined to allow the petitioner's prayer for bail.

Accordingly, we direct that the petitioner shall 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders. 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 adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)