

09.12.2021
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allowed

**CRM 5413 of 2021
(via video conferencing)**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No. 206 of 2021 dated 20.03.2021 under Section 376 of the Indian Penal Code.

And

In Re : Abu Tahir petitioner

Mr. Soupal Chatterjee

.....for the petitioner

Mr. N. Ahmed, learned APP

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 262 days. It is further submitted there was a love affair between the parties.

Learned Counsel appearing for the State opposes prayer for bail.

Allegation of forcible rape may be assessed in the light of the aforesaid submission with regard to consensual intercourse during trial.

In view of the aforesaid fact and the period of detention already suffered by the petitioner i.e. 262 days and as investigation is complete, we are inclined to grant bail to the petitioner.

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 Additional Chief Judicial Magistrate, Chanchal, Malda, subject to the 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 automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)