

08.12.2021
cm/ct 28
sl no. 61

C.R.M. 5923 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Ratua P.S Case No. 401 of 2018 dated 24.12.2018 under Sections 365/363/34 of the Indian Penal Code, read with Section 4 of the Prevention of Children From Sexual Offences Act.

And

Allowed

In Re : Ranjit Mondal

..... petitioner

Mr. Minoti Gomes

..... for the petitioner

Mr. Soumajit Das Mahapatra

.... For the De-facto.

Mr. Sibal Bapuli

Mr. Bibaswan Bhattacharya

..... for the State

It is submitted on behalf of the petitioner that the allegation of forcible rape is patently improbable as there is an amorous relationship between the parties. Petitioner is in custody for 650 days.

Learned lawyer for the State opposes the prayer for bail. Learned lawyer for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid attending facts and circumstances of the case including refusal of the victim to submit no medical examination. Keeping in mind the aforesaid facts, period of detention suffered by the petitioner and as investigation is complete, 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 Special Judge, Special Court, Chanchal, Malda, POCSO on condition that the petitioner shall appear before the trial court on every date of hearing 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 5923 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)