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(AD) 08.12.2021

Court No.28

(Allowed)

C.R.M. 6098 of 2021
(Via Video Conference)

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Santipur** P.S. Case No.**132 of 2021** dated **23/02/2021** under Sections **376/417** of the Indian Penal Code, 1860.

And

In the matter of: Dinkar Adhikari @ Khepa @ Dinkar Adhikary @ Khapa

....petitioner.

Mr. Dipayan Kundu

...for the petitioner.

Mr. Bidyut Kumar Roy

Ms. Rita Datta

... for the State.

We have considered the materials on record. Victim is a major lady and had cohabited consensually with the petitioner. Allegation of monetary transaction is not corroborated by any independent witness.

Learned lawyer for the State submits petitioner is a married person and suppressed his marital status.

In view of the aforesaid facts and the period of detention suffered by the petitioner and as the allegation that the victim was unaware of marital status of the petitioner requires to be assessed in the backdrop of prolonged acquaintance of the parties during trial, 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 Additional Chief Judicial Magistrate, Ranaghat,

Nadia 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 for bail being **C.R.M. 6098 of 2021** is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)