

20.12.2021
cm/ct 28
sl no. 146

C.R.M. 8337 of 2021

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Taldangra P.S Case No. 62 of 2020 dated 27.09.2020 under Section 376(1) of the Indian Penal Code. & after filing of Charge Sheet being Charge Sheet No.69 of 2020 dated 08.12.2020 under Section 376(1) of the Indian Penal Code.

And

Allowed

In Re : Joydeb @ Mittan Roy

..... petitioner

Mr. Samiran Mondal
Mr. Abhinaba Dan

..... for the petitioner

Mr. B. Roy
Ms. Rita Dutta.

..... for the State

It is contended petitioner is a member of the Scheduled Caste community. He submits there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim has been recorded under Section 164 Cr.P.C. in the presence of a police personnel. In view of the aforesaid fact, allegation of forcible rape requires to be assessed in the light of the submission made on behalf of the petitioner with regard to amorous relationship between the parties during trial. Under such circumstances, we are of the opinion he may be granted bail.

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 ACJM, Khatra, Bakura 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 8337 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)