

SL. 32.
March 22, 2021.
MNS

CALCUTTA HIGH COURT
IN THE CIRCUMIT BENCH AT JALPAIGURI

C.R.M. 294 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure filed on 26.02.2021 in connection with Cooch Behar Women's Police Station Case No. 05 of 2021 dated 17.01.2021 under Sections 448/417/376 of the Indian Penal Code, 1860.

And

In Re : Saminoor Islam

... petitioner.

Mr. Sabir Ahmed,
Mr. Hillol Saha Podder

... for the petitioner.

Mr. Nilay Chakraborty,
Mr. Abhijit Sarkar

... for the State.

Heard learned advocates appearing for the respective parties.

It is submitted by learned counsel for the petitioner that a marriage was going to be solemnized between the victim and the petitioner and the alleged offence was actually a consensual act.

Learned counsel appearing for the State opposes the prayer for bail.

However, there is sufficient material on record to indicate that there was a marriage between the parties, but subsequently there was an opposition to the same.

As such, we are of the opinion that the petitioner ought to get the benefit of bail.

Accordingly, CRM 294 of 2021 is allowed, thereby granting bail to the petitioner 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 Chief

Judicial Magistrate at Cooch Behar. Further, the petitioner shall not make directly or indirectly any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her/him from disclosing such facts to any police officer or the court and/or tamper with evidence. The petitioner shall not leave the jurisdiction of the trial court during the course of trial and shall attend each date of hearing when trial commences.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)