

06.06.2022
tkm/ct 28
sl no. 24

C.R.M. (DB) 1347 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Pukhuria P.S Case no. 104 of 2022 dated 10.4.2022 under sections 376(2)(1) of the Indian Penal Code
And

Allowed

In Re : Sahabuddin petitioner

Ms. M Gomes

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

Petitioner is in custody for 57 days and it is submitted that allegation of forcible rape is patently absurd. There was free mixing between the parties.

Learned lawyer for the State opposes the prayer for bail and submits that the victim is a physically challenged lady.

We have considered material on record including the statement of the victim lady. There was a long standing relationship between the parties.

Allegation of forcible rape is required to be assessed in the light of the aforesaid circumstances.

Under such circumstances and in view of the period of detention suffered by the petitioner i.e. 57 days, 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 ACJM, Chanchal, Malda 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 (DB) 1347 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)