

10.06.2022  
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allowed

**CRM(DB) 1504 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tangra Police Station Case No. 79 of 2022 dated 23.03.2022 under Sections 376/313 of the Indian Penal Code.

And

In Re : Biplab Dey ..... petitioner

Ms. Jeenia Rudra  
Ms. Madhushri Dutta  
Ms. Sahili Dey  
Ms. Thaneshware Kumari

.....for the petitioner

Mr. Debabrata Chatterjee, learned APP  
Ms. Sonali Das

..... for the State

Mr. Apalak Basu  
Mr. Nazir Ahmed

.... for de facto complainant

It is submitted by the learned Counsel appearing for the petitioner that he is in custody for 59 days. It is also submitted that the victim voluntarily cohabited with the petitioner.

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

Learned Counsel appearing for the de facto complainant also opposes the prayer for bail and submits that the de facto complainant had entrusted monies to the petitioner.

We have considered the materials on record There was intimate relationship between the parties. Victim was major at the time of cohabitation and was aware of the consequences thereof. It

is unclear whether repeated abortions had occurred with her consent or not.

Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, 1<sup>st</sup> Court, Sealdah, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**