

14.06.2022
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allowed

CRM(DB) 1676 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nalhati Police Station Case No. 161 of 2022 dated 01.04.2022 under Sections 376/405/120B of the Indian Penal Code and charge-sheet has been submitted under Sections 376/405 of the Indian Penal Code.

And

In Re : Sarful Sk. petitioner

Mr. Bitasok Banerjee
Mr. Bibaswan Bhattacharya
.....for the petitioner

Mr. Sanjoy Bardhan
Ms. Baishakhi Chatterjee
..... for the State

Petitioner is in custody for 63 days.

It is submitted by the learned Counsel appearing for the petitioner that the victim was major at the time of cohabitation.

Learned Counsel appearing for the State opposes the prayer for bail and submits that the petitioner had cohabited on the false promise of marriage and the victim had become pregnant.

We have considered the materials on record in the light of the submission made on behalf of the petitioner that the victim was major at the time of cohabitation and was aware of the consequences thereof. Under such circumstances and in view of period of detention suffered by the petitioner i.e. 68 days, 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 Chief Judicial Magistrate, Rampurhat, Birbhum, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)