

17.06.2022
SL No.50
Saswata
Ct.28
(Allowed)

CRM (DB) 1821 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with **Manikchak** P.S. Case No. **177/2022** dated **23.04.2022** under Sections **417/376/323/506/34** of the **Indian Penal Code**.

And

In the matter of: **Debabrata Dutta @ Debabrata Dutta**

....Petitioner

Ms. Minoti Gomes

...for the Petitioner

Mr. Debabrata Chatterjee

Ms. Mausumi Sarkar

...for the State.

Heard learned lawyers for the parties.

It is contended by the learned lawyer for the petitioner the victim was a major married lady at the time of cohabitation and was aware of the consequences thereof.

We have considered the nature of allegations in light of the aforesaid submission made on behalf of the petitioner.

Under such circumstances and in view of the period of detention suffered by the petitioner, i.e., 54 days, we are of the opinion the petitioner may be granted bail.

The prayer for bail is, thus, allowed.

Let 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 Chief judicial Magistrate, Malda, subject to the condition that he shall appear before the learned trial court regularly on every date of

hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)