

27.06.2022
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allowed

CRM(DB) 1997 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 366 of 2022 dated 22.04.2022 under Sections 448/376/506/379/342/34 of the Indian Penal Code.

And

In Re : Swapan Biswas petitioner

Mr. Asraf Mandal

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshri

..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. The petitioner has been falsely implicated in the instant case.

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

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission relating to the amorous relationship between the parties.

Keeping in mind the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner i.e. 67 days, we are inclined to grant 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, Ranaghat, Nadia, 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.)