

27.06.2022
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allowed

CRM(DB) 2014 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Palashipara Police Station Case No. 126 of 2022 dated 05.04.2022 under Sections 406/417/376 of the Indian Penal Code.

And

In Re : Abdul Halim Sk. @ Halim petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh
Mr. Jyoti Agarwal

.....for the petitioner

Mr. Bidyut Kumar Roy
Ms. Rita Datta

..... for the State

Learned Counsel appearing for the petitioner submits that the petitioner is in custody for 80 days. It is further submitted that there was cohabitation between two consenting adults.

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

We have considered the materials on record. Keeping in mind the nature of allegations in the light of the aforesaid facts and circumstances of the case that there was cohabitation between two consenting adults and the period of detention suffered by the petitioner, 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, Tehatta, 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.)