

29.06.2022.
47.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2035 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kotwali P. S. Case No.458 of 2022 dated 08.05.2022 under Sections 376/417/506 of the Indian Penal Code.

In the matter of : Abhijit Ghosal.

.... Petitioner.

Mr. Suvom Dutta.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh,
Mr. A. Sen.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 30 days. It is contended victim is a married lady and cohabited with the petitioner out of her own free will.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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, Nadia at Krishnanagar subject to condition that the petitioner shall appear before the

trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)