

05.07.2022
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allowed

CRM(DB) No. 2116 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 938 of 2021 dated 08.11.2021 under Sections 363/365/34 of the Indian Penal Code and adding Section 06 of the POCSO Act.

And

In Re : Subroto Halder alias Chandra Bilash Halder petitioner

Mr. Angshuman Chakraborty
.....for the petitioner

Mr. S. S. Imam
Mr. R. Jana
Mr. P. Ghosh
..... for the State

Learned Counsel appearing for the petitioner submits that there was a love affair between the parties. 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. Statement of the victim girl endorses the submission regarding amorous relationship between the parties. Allegation of rape requires to be assessed in the light of the aforesaid circumstances.

Keeping in mind the aforesaid facts and circumstances of the case and 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, 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.)