

14.07.2022.
16.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2200 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Gazole P. S. Case No.403 of 2022 dated 29.05.2022 under Sections 417/376/506 of the Indian Penal Code.

In the matter of : Pintu Mahato.

.... Petitioner.

Kazi Mokhlasur Rahman.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Petitioner is in custody for about 46 days. It is submitted victim was a major lady at the time of cohabitation.

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 submission that the victim was a major lady at the time of cohabitation and was aware of the consequences thereof.

In view of the aforesaid facts and the period of detention suffered by the petitioner, 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, Malda subject to condition that he 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.)