

26.07.2022.
25.
Ct.No.28
as
(Allowed).

C.R.M. (DB) 2449 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Khatra Woman P. S. Case No.3 of 2022 dated 14.02.2022 under Sections 376/417 of the Indian Penal Code.

In the matter of : Nalini @ Lalu Karmakar.
... Petitioner.

Mr. Debasis Sur,
Mr. H. S. Paul.
...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Ms. Debjani Dasgupta.
.....for the State.

Heard the learned Advocates appearing for the parties.

Petitioner is in custody for about 84 days. It is submitted victim was a major lady and had cohabited out of her own volition. Investigation is complete.

Learned Advocate appearing for the State opposes the prayer for bail. He submits a male child was born due to cohabitation between the petitioner and the victim.

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.

Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, 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, to the satisfaction of the learned Additional Chief Judicial Magistrate, Khatra, Bankura subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimate 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.)