

29.07.2022
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 2518 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 25.07.2022 in connection with Barikul Police Station Case No. 05 of 2022 dated 11.02.2022 under Sections 376/417 of the Indian Penal Code. (G.R. Case No.53 of 2022)

And

In Re: ***Shaktipada Tudu***

... .. Petitioner

Mr. Dibyendu Chatterjee
Ms. Reshmi Ghosh
Ms. Piyali Paul

... .. for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner a marriage was solemnized between him and the de-facto complainant. They stayed as husband and wife. Subsequently, she withdrew from the company of the petitioner and has falsely instituted the present case.

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

We have considered the materials on record including the annexures to the FIR filed by the petitioner. It appears there was a love affair between the parties and they were residing as husband and wife. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. Keeping in mind the aforesaid facts, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Shaktipada Tudu***, 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, Khatra, Bankura subject to condition that the said 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 he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)