

10.08.2022
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allowed

CRM(DB) No. 2687 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandigram Police Station Case No. 426 of 2022 dated 22.05.2022 under Sections 376(2)(m)/354(c)/354(D)/420/406/504 of the Indian Penal Code.
And

In Re : Sri Gobinda Maity petitioner

Mr. Debabrata Roy
Mr. Bibekananda Tripathy
.....for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin
..... for the State

Learned Counsel for the petitioner submits he is in custody for 61 days. It is also submitted that there was intimate relationship between the petitioner and the victim who is a married and adult lady.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Custodial interrogation of the petitioner has not revealed electronic record regarding objectionable pictures or documents relating to promise of giving employment.

In view of the aforesaid circumstances and in the light of the submission that there was free-mixing between two consenting adults, we are inclined in granting bail to the petitioner.

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, Haldia, Purba Medinipur, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)