

18.08.2022
cm/ct 28
sl no. 20

C.R.M.(DB) No. 2767 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with **Pathar Pratima P.S Case No. 94 of 2022** dated **10.04.2022** under Sections **365** of the Indian Penal Code, 1860 and adding Section 376/417 of the Indian Penal Code, 1860.

And

Allowed

In Re : Subha Majhi.

..... petitioner

Mr. Kallol Mondal
Mr. Mazhar Hossain Chowdhury
Ms. Mobashshara Alam

..... for the petitioner

Mr. Arijit Ganguly
Mr. Avik Ghatak

..... for the State

Petitioner is in custody for 63 days. He submits that there was a love affair between the parties and de-facto complainant was aware of the marital status of the petitioner.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Victim girl admitted there was a love affair between the parties for one and half years. Whether the victim was unaware of the marital status of the petitioner requires to be assessed in light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Kakdwip, South 24 Parganas

at Hooghly on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM(DB) No.2767 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)