

22.08.2022
cm/ct 28
sl no. 24

C.R.M. (DB) 2784 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dhantala P.S. Case No. 219 of 2022 dated 12.04.2022 Sections 376/377/325/342/354B/406/307/309 of the Indian Penal Code, S.C.4(5) of 2022.

Allowed

In Re : Kamal Krishna Baidya.

..... petitioner

Ms. Minoti Gomes

..... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

It is submitted on behalf of the petitioner that the petitioner and the de-facto complainant victim were in a live-in relationship for more than 14 years. He is in custody for 106 days. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record. Victim is a major lady. It is contended that they were in a live-in relationship for more than 14 years. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts and circumstances, 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 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 Additional District and Sessions Judge, Ranaghat, Nadia 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 petitioner 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. 2784 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)