

22.08.2022
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allowed

CRM(DB) No. 2797 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chandernagore Police Station Case No. 145 of 2022 dated 16.06.2022 under Sections 417/376/420/323/506 of the Indian Penal Code.

And

In Re : Sayan Roy petitioner

Mr. Abhra Mukherjee
Mr. Sauradeep Dutta

.....for the petitioner

Mr. Rudradipta Nandy, learned APP
Ms. Sonali Das

..... for the State

Learned Counsel for the petitioner submits he is in custody for 68 days. It is also submitted that there is a love affair between the parties. Petitioner has been falsely implicated in the instant case.

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. Victim was major at the time of cohabitation and was aware of the consequences thereof. In view of aforesaid circumstances and the period of detention suffered by the petitioner, we are inclined in granting bail to him.

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, Chandernagore, Hooghly, on condition 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.)