

24.08.2022.
22.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 2831 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranitala P. S. Case No.196 of 2022 dated 09.05.2022 under Sections 363/365 of the Indian Penal Code and charge sheet submitted under Sections 363/365/366A/120B of the Indian Penal Code.

In the matter of : Sarikul Sk. @ Sarikul Biswas.
.... Petitioner.

Mr. Mrityunjoy Chatterjee
Mr. G. N. Imrohi.
...for the Petitioner.

Mr. Tanmoy Kr. Ghosh,
Ms. Pritha Pal.
...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner there was a love affair between the parties and they have subsequently married.

Learned Advocate for the State opposes the prayer for bail. He submits victim is a minor.

We have considered the materials on record. Allegation of rape is required to be assessed in the light of the aforesaid circumstances.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner i.e. 105 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall 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 Chief Judicial Magistrate, Lalbagh, Murshidabad subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)