

09.09.2022.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3065 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with English Bazar P. S. Case No.1316 of 2022 dated 21.08.2022 under Sections 417/376/506 of the Indian Penal Code.

In the matter of : Tahidul Alam @ Tohidul Alam.
.... Petitioner.

Mrs. Minoti Gomes.
...for the Petitioner.

Mr. Joydeep Roy,
Ms. Sujata Das.
...for the State.

Petitioner is in custody for 19 days. He submits there was a love affair between the parties. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. She submits victim had been blackmailed by taking objectionable pictures and compelled to cohabit with the petitioner.

We have considered the materials on record. Allegation of blackmail is significantly absent in the first information report. On the other hand, the allegations in the FIR show there was a love affair between two adults. Whether the victim was compelled to cohabit with the petitioner due to blackmail may be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts, 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 Chief Judicial Magistrate, Malda 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.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)