

16.09.2022
Sl. No.14
akd
[ALLOWED]

C. R. M. (DB) 3113 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.09.2022 in connection with Liluah Police Station Case No. 295 dated 22.06.2022 under Sections 376/417/420/406 of the Indian Penal Code. (G.R. Case No.3606 of 2022)

And

In Re: ***Dilip Kumar Kumar***

... .. Petitioner

Mr. Ansuman Bera

... .. for the petitioner

Mr. Debabrata Chatterjee

Mr. S. S. Imam

Ms. Mausumi Sarkar

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 71 days. It is further submitted there was a relationship between the petitioner and the de-facto complainant, a major lady. It is also submitted petitioner has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits petitioner on the false promise of marriage had cohabited with the victim. He took money from the victim for providing employment and misappropriated gold ornaments.

We have considered the materials on record. Statement of the victim discloses free mixing between the parties. Whether ingredients of the offence punishable under Section 376 IPC are disclosed in the aforesaid factual matrix requires to be decided during trial. Petitioner was subjected to custodial interrogation. No incriminating material was recovered. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further

detention of the accused/petitioner for progress of investigation is not necessary and he may be granted bail however, subject to condition.

Therefore, the accused/petitioner, namely ***Dilip Kumar Kumar***, 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 Chief Judicial Magistrate, Howrah subject to condition that the said petitioner 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 and on further condition he shall meet the Investigating Officer once in a week until further orders.

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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)