

30.09.2022
tkm/ct 28
sl no. 76

C.R.M. (DB) 3496 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Chakdaha P.S case no. 251 of 2022 dated 26.4.2022 under sections 363/365/325/326/376/506/34 of the IPC read with section 4 of the POCSO Act
and

Allowed

In Re : Swapnojit Bala petitioner

Ms. M Gomes

..... for the petitioner

Mr. Prasun Kr. Datta

Mr. N Dhali

..... for the State

Petitioner is in custody for 135 days. It is submitted there was a love affair between the parties. He has been falsely implicated in the instant case. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits victim is pregnant.

We have considered materials on record. Allegation of rape requires to be assessed in the light of the submission that there was a love affair between the two young persons.

In view of the aforesaid circumstances of the case and period of detention suffered by the petitioner, 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 ACJM, Kalyani, Ndia 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 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 being CRM (DB) 3496 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)