

28.09.2022.
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(Allowed)

C.R.M. (DB) 3275 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Channchal P. S. Case No.443 of 2018 dated 11.07.2018 under Sections 376/417 of the Indian Penal Code.

In the matter of : Nazrul Islam.

.... Petitioner.

Mr. A. K. Samanta.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Rita Datta.

...for the State.

Petitioner is in custody for 47 days. He submits victim lady was a major lady and had cohabited out of her own volition.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. Allegation of rape requires to be assessed in the light of the aforesaid submission that the victim was a major lady at the time of cohabitation and was aware of the consequences thereof.

Under such circumstances, 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, Chanchal, 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.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)