

29.09.2022
64
sdas
allowed

CRM(DB) No. 3377 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Domjur Police Station Case No. 645 of 2022 dated 12.08.2022 under Sections 417/376/506 of the Indian Penal Code.

And

In Re : Akramul Middey @ Middya petitioner

Mr. M. Chatterjee
Mr. G. N. Imrohi
Mr. D. Majumder
Mr. S. Biswas

.....for the petitioner

Mr. Anowar Hossain
Ms. Ratna Ghosh

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for 46 days. It is also submitted that victim was major at the time of cohabitation.

Learned Counsel appearing for the State opposes prayer for bail.

We have considered materials on record including statement of the victim lady. She was major 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 we direct that 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, Howrah,

subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)