

28.09.2022
tkm/ct 28
sl no. 43

C.R.M. (DB) 3308 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nakashipara P.S case no. 632 of 2022 dated 16.8.2022 under sections 376/417/323/34 of the IPC
and

Allowed

In Re : Tapas Ghosh @ Bappa

..... petitioner

Mr. A K Biswas
Mr. Amit Singh
Ms. J Agarwal

..... for the petitioner

Mr. T K Ghosh
Mr. Arindam Sen

..... for the State

Petitioner is in custody for 40 days. It is submitted on behalf of the petitioner victim was a major lady at the time of cohabitation. He prays for bail.

Learned lawyer for the State opposes the prayer for bail.

We have considered materials on record. Victim was a major lady at the time of cohabitation. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner during trial.

Under such circumstances and in view of the 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 CJM, Nadia at Krishnagar 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) 3308 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)