

30.09.2022.  
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as  
(Allowed)

**C.R.M. (DB) 3484 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hirapur P. S. Case No.276 of 2022 dated 20.07.2022 under Sections 376/341/452/323/506/34 of the Indian Penal Code and charge sheet submitted under Sections 376/341/452/323/506 of the Indian Penal Code.

In the matter of : Soumendu Karmakar.

.... Petitioner.

Mr. S. S. Roy,  
Mr. D. K. Samanta,  
Mr. D. P. Samanta.

...for the Petitioner.

Mr. J. Roy,  
Mr. A. Islam.

...for the State.

It is submitted on behalf of the petitioner allegation of forcible rape is out and out false. There was a love affair between the parties. He is in custody for 45 days. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission with regard to a long relationship between the parties during trial.

Keeping in mind the aforesaid circumstance and the period of detention suffered by the petitioner, we are of the

opinion further detention of the petitioner is not necessary and he may be granted bail.

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 locale, to the satisfaction of the learned Chief Judicial Magistrate, Paschim Medinipur 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.)**