

30.09.2022
tkm/ct 28
sl no. 73

C.R.M. (DB) 3493 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nandakumar P.S case no. 100 of 2020 dated 14.3.2022 under sections 363/365 of the IPC charge sheet submitted under section 9 of the Prohibition of Child Marriage Act read with sections 363/365/323/376(2)(n)/506 IPC and section 6 of the POCSO Act

and

Allowed

In Re : Subhankar Maity @ Nil Raj petitioner

Mr. Suman De

..... for the petitioner

Mr. T K Ghosh
Mr. Arindam Sen
Ms. Pritha Paul

..... for the State

Petitioner is in custody for 110 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 a minor.

We have considered materials on record. Allegation of forcible rape requires to be assessed in the light of the aforesaid submission and the attending circumstances of the case.

Keeping in mind the facts and 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, Tamruk, Purba Medinipur 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) 3493 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)