

03.11.2022.
47.
as
(Allowed)

C.R.M. (DB) 3522 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P. S. Case No.588 of 2021 dated 13.12.2021 under Sections 419/417/376/448/323/363/511/34 of the Indian Penal Code and adding Section 302 of the Indian Penal Code.

In the matter of : Md. Rabiul Karim @ Rajib @ Yeash Rai.
.... Petitioner.

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick.

...for the Petitioner.

Mr. Madhusudan Sur, Id. A.P.P.,
Mr. Dipankar Paramanick.

...for the State.

Petitioner is in custody for 315 days. It is submitted there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim was major at the time of cohabitation. No evidence with regard to uploading objectionable videos have been placed before us.

In view of the aforesaid facts and circumstances of the case and the period of detention suffered by the petitioner, 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 Chief Judicial Magistrate, 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.)