

15.11.2022.
23.
as
(Allowed)

C.R.M. (DB) 3958 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Haripal P. S. Case No.198 of 2022 dated 17.08.2022 under Sections 341/376/506 of the Indian Penal Code.

In the matter of : Subodh Das.

.... Petitioner.

Mr. Dev Kumar Sharma.

...for the Petitioner.

Mr. P. K. Datta, Id. A.P.P.,
Mr. Santanu Deb Roy.

...for the State.

Petitioner is in custody for 90 days. He submits there was an amorous relationship between the parties and he has been falsely implicated in the instant case. Investigation is complete. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Though the victim lady alleged forcible rape, statements of other witnesses shows there was an amorous relationship between the parties. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances in the course of trial. Investigation is complete.

Under such circumstances, 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 Additional Chief Judicial Magistrate, Chandannagore, Hooghly 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.)