

15.11.2022.
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as
(Allowed)

C.R.M. (DB) 3968 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Amta P. S. Case No.254 of 2021 dated 25.09.2021 under Sections 363/365/376(2)(1) of the Indian Penal Code and Section 6 of the POCSO Act.

In the matter of : Rahul Das.

.... Petitioner.

Mr. Abhijit Kr. Adhya.

...for the Petitioner.

Mr. Sudip Ghosh,
Mr. Bitasok Banerjee.

...for the State.

Petitioner is in custody for 240 days. It is submitted there was a love affair between the parties. 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 submission made on behalf of the petitioner. There was a romantic relationship between the parties.

Keeping in mind the aforesaid fact and the period of detention suffered by him, 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, Uluberia,

Howrah 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.)