

CRM(DB) No. 4088 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Katwa Police Station Case No. 37 of 2022 dated 23.01.2022 under Sections 376(2)(f)/376(e)(n) of the Indian Penal Code.

And

In Re : Rahul Ghosh petitioner

Mr. Sinanta Kabir
Mr. Chandan Sekh
Mr. Tirthankar Murmu
Mr. Avik Pramanik

.....for the petitioner

Mr. S. S. Imam
Mr. R. Jana

..... for the State

Learned Counsel appearing for the petitioner submits he is in custody for more than 200 days. It is also submitted that there was a love affair between him and the victim lady. Petitioner has been falsely implicated.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record. Victim was a major girl and acquaintance developed between the parties. Whether the petitioner cohabited with dishonest intention from the inception of the relationship requires to be assessed in the light of the aforesaid submission during trial.

Keeping in mind the aforesaid fact and period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that 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, Katwa, Burdwan, subject to the condition that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)