

12.12.2022  
Sl. No.44  
**akd**  
[ALLOWED]

**C. R. M. (DB) 4357 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.12.2022 in connection with Singur Police Station Case No.167 of 2022 dated 07.05.2022 under Sections 417/376(2)(n) of the Indian Penal Code.

And

In Re: ***Swarup Singh @ Saharuk @ Sharuk***

... .. Petitioner

Mr. Dev Kumar Sharma

... .. for the petitioner

Mr. Altaf Hossain

Mr. S. K. Humayan Raza

... .. for the de-facto complainant

Ms. Anasuya Sinha

Mr. Pinak Kumar Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 175 days. It is further submitted there was a free mixing between two consenting adults. Allegation of rape is out and out false.

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

Learned advocate appearing for the de-facto complainant also opposes the prayer for bail and submits petitioner, if released on bail, would threaten her life.

We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was aware of the consequences of the act. Whether petitioner entertained dishonest intention from the inception of the relationship requires to be assessed during trial. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further

detention of the accused/petitioner is not necessary and he may be enlarged on bail however, subject to strict conditions.

Therefore, the accused/petitioner, namely **Swarup Singh @ Saharuk @ Sharuk**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Chandannagar, Hooghly subject to condition that the said petitioner 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 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Singur Police Station until further orders and shall report to the Officer-in-charge, Jamalpur Police Station once in a week until further orders.

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 for bail, thus, stands **allowed**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**