

16.12.2022
Sl. No.35
akd
[ALLOWED]

C. R. M. (DB) 4432 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.12.2022 in connection with Sankrail Police Station Case No.1035 of 2022 dated 07.10.2022 under Sections 417/376 of the Indian Penal Code.

And

In Re: ***Rajveer Chakraborty @ Tamal Chakraborty @ Raj***
... .. Petitioner

Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar
Mr. Debapriya Majumder

... .. for the petitioner

Mr. Soumya Basu Roy Chowdhury

... .. for the de-facto complainant

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Iqbal Kabir
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 52 days. It is further submitted there was a consensual relationship between the parties.

Learned Public Prosecutor opposes the prayer for bail and submits petitioner cohabited with the victim on the false promise of marriage. He also took money from the victim on false excuses on a number of occasions.

Learned Advocate appearing for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. We have also gone through the communications between the parties on a social media platform. There was an intimate relationship between the parties. In the backdrop of such relationship some money was handed over to the petitioner. Whether the petitioner made dishonest promise to marry from the

inception of the relationship requires to be assessed in the light of the aforesaid circumstances during trial. Purpose of undertrial detention is not for settlement of accounts or realisation of outstanding dues. 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.

Therefore, the accused/petitioner, namely **Rajveer Chakraborty @ Tamal Chakraborty @ Raj**, 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 Chief Judicial Magistrate, Howrah 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.

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.)