

19.12.2022
SI. No.43
akd
[ALLOWED]

C. R. M. (DB) 4461 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.12.2022 in connection with Manikchak Police Station Case No.605 of 2022 dated 18.10.2022 under Sections 417/376/323/34 of the Indian Penal Code. (G.R. Case No.6520 of 2022)

And

In Re: ***Debashish Mandal***

... .. Petitioner

Mr. Kazi Mokhlasur Rahman

... .. for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 47 days. It is further submitted there was a consensual relationship between consenting adults.

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

We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was aware of the consequences of such conduct. 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 ***Debashish Mandal***, 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, Malda 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.)