

20.12.2022
tkm/ct 28
sl no. 55

C.R.M. (DB) 4482 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Tamluk P.S case no. 572 of 2017 dated 20.12.2017 under sections 417/420/376 IPC
And

Allowed

In Re : Soumen Das petitioner

Mr. A K Samanta

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

Petitioner is in custody for 36 days. He submits there was a consensual relationship between the two adults. He prays for bail.

Learned lawyer for the State opposes the prayer for bail and submits petitioner had absconded for a protracted period of time.

We have considered materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner.

Under such circumstances, we are inclined to grant bail to the petitioner, however, subject to conditions.

Accordingly, the petitioner 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 CJM Purba Medinipur at Tamluk on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that while on bail, petitioner shall meet the Officer-in-Charge of Tamluk P.S 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 being CRM (DB) 4482 of 2022 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)