

23.12.2022.
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as
(Allowed)

C.R.M. (DB) 4570 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Pandua P. S. Case No.504 of 2022 dated 31.10.2022 under Sections 376/417/323/120(B) of the Indian Penal Code.

In the matter of : Netaji Murmu.

.... Petitioner.

Mr. Sudip Ghosh Chowdhury.

...for the Petitioner.

Mr. S. S. Imam,
Mr. S. Kundu.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was conscious of the consequence of such conduct.

Keeping in mind the aforesaid fact and the period of detention suffered by him i.e. 653 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Netaji Murmu 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 Chief Judicial Magistrate, Hooghly subject to condition he 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 the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)