

25.08.2022

Sl. No.5

akd

[ALLOWED]

**IN THE HIGH COURT AT CALCUTTA**  
**Circuit Bench at Jalpaiguri**

**C. R. M. (DB) 290 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.08.2022 in connection with Bhaktinagar Police Station Case No.239 of 2021 dated 07.03.2021 under Sections 363/365 of the Indian Penal Code, Section 10 of Child Marriage Restrain Act and Section 6 of the POCSO Act.

And

In Re: **Subrata Mandal @ Rahul Mondal**

... .. Petitioner

Mr. Jaydeep Kanta Bhowmick

... .. for the petitioner

Mr. Aditi Sankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Aniruddha Biswas

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 98 days. Investigation is complete.

Learned advocate appearing for the State opposes the prayer for bail and submits victim girl was a minor.

We have considered the materials on record. There was a love affair between two young persons. They subsequently married. Allegation of rape is to be assessed in the light of the aforesaid circumstances. Keeping in mind the aforesaid fact and 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 **Subrata Mandal @ Rahul Mondal**, 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 Sessions Judge, 2<sup>nd</sup> Court at Jalpaiguri 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 or commit similar offences in future.

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**.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**