

25.08.2022

Sl. No.7

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 292 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 Sitalkuchi Police Station Case No.122 of 2017 dated 13.05.2017 under Sections 363/365/376 of the Indian Penal Code. (G.R. Case No.408 of 2017)

And

In Re: ***Rasidul Miah***

... .. Petitioner

Mr. Sudip Guha
Mr. Sourav Mukherjee

... .. 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 40 days. It is further submitted victim had accompanied the petitioner to Bihar.

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

We have considered the materials on record. Statement of the victim shows petitioner had proposed marriage to her. Thereafter, they left together in a bus to Bihar and cohabited. We are conscious that the victim is a minor. However, the petitioner is also a young person. It appears there was an amorous relationship between the two. Keeping in mind the aforesaid facts and other attending circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Rasidul Miah***, 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 Chief Judicial Magistrate, Mathabhanga, Cooch Behar 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**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)