

16.12.2022

Sl. No.3
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (DB) 457 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.12.2022 in connection with Boxirhat Police Station Case No.288 of 2022 dated 19.07.2022 under Sections 417/493/376/506 of the Indian Penal Code. (G.R. Case No.802 of 2022)

And

In Re: **Sk. Raju**

... .. Petitioner

Md. Sabir Ahmed
Mr. Hillol Saha Podder

... .. for the petitioner

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

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 150 days. It is further submitted there was consensual cohabitation between two adults.

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

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner. Balancing the nature of accusation with 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 **Sk. Raju**, 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, Tufanganj, 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**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)