

03.02.2023
Sl. No.44
akd
[ALLOWED]

C. R. M. (DB) 427 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 31.01.2023 in connection with Nabadwip Police Station Case No.116 dated 24.03.2022 under Sections 376/417 of the Indian Penal Code.

And

In Re: **Parikhrit Ghosh**

... .. Petitioner

Mr. Prantick Ghosh
Mr. Siddhartha Sarkar

... .. for the petitioner

Ms. Zareen N. Khan
Md. Kutubuddin

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 72 days. It is further submitted there was a consensual relationship between two adults.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Whether petitioner had dishonest intention not to marry the victim at the inception of the relationship requires to be assessed during trial. In view of the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner for progress of investigation is not necessary.

Therefore, the accused/petitioner, namely **Parikhrit Ghosh**, 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, Nabadwip, Nadia 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.)