

15.02.2023
Sl. No.68
akd
[ALLOWED]

C. R. M. (DB) 617 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.02.2023 in connection with Nakashipara Police Station Case No.666 of 2022 dated 28.08.2022 under Sections 376/417/420/34 of the Indian Penal Code.

And

In Re: **Bapi Sk. @ Bapi Sekh**

... .. Petitioner

Mr. Sanat Kumar Das
Mr. Sujan Chatterjee
Mr. Souparna Sinha

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 130 days. It is further submitted victim was major at the time of cohabitation.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim was major at the time of cohabitation. Investigation is complete. 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 **Bapi Sk. @ Bapi Sekh**, 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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.)