

27.02.2023

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Ct. No. 29

CHC

ALLOWED

C.R.M.(DB) 770 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Santipur** Police Station Case No. **1018 of 2022** dated **27.09.2022** under Sections 376/417/323/34 of the Indian Penal Code.

And

In the matter of: Habib Biswas

..... petitioner

Ms. Minoti Gomes,

Mr. Partha Sarathi Das,

Ms. Santa Sarkar

....for the petitioner

Mr. Debabrata Chatterjee, Ld. A.P.P.

Ms. Mausumi Sarkar

....for the State

Police filed chargesheet.

Petitioner is in custody for about 48 days.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that there was a relationship between the petitioner and the victim and that the victim took advantage of such relationship entered into a physical relationship.

Both the petitioner and the victim are adults.

The issue as to whether the physical relationship was on the basis as claimed by the petitioner or not needs to be decided at the trial, if raised.

In such circumstances, we grant bail to the petitioner.

Accordingly, we direct that the petitioner shall 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, Ranaghat, Nadia, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)