

13.03.2023.
108.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 833 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Manikchak P. S. Case No.776 of 2022 dated 25.12.2022 under Sections 417/376 of the Indian Penal Code.

In the matter of : Chaitanya Mondal.

.... Petitioner.

Ms. Sujata Das.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Ms. Mausumi Sarkar.

...for the State.

Heard the learned Advocates for the parties.

We have considered the materials on record. Victim was a major lady at the time of cohabitation. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial.

Balancing the nature of accusation with the period of detention suffered by the petitioner i.e. 65 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Chaitanya Mondal shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Malda subject to condition that he 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)