

22.03.2023
tkm/ct 28
sl no. 38

C.R.M. (DB) 1045 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Santipur PS case no. 10 of 2023 under sections 376/417/420/120B/34 IPC
and

Allowed

In Re : Sailen Ghosh

..... petitioner

Md. Khalid Hasan

..... for the petitioner

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

Mr. Arani Bhattacharya

..... for the State

Mr. Shibaji Kr Das

Ms. R Sreemani

..... for the de facto complainant

Petitioner is in custody for 65 days.

Learned lawyer for the State opposes the bail prayer. It is submitted that the petitioner had misrepresented himself as an unmarried police officer. On such representation, he cohabited with the de facto complainant. Subsequently, the de facto complainant came to know that the petitioner was a married person. He had duped a number of individuals on the pretext of employment in police. Other criminal cases are pending against him.

We have considered the materials on record. De facto complainant is an adult lady. She had relationship with the petitioner for a considerable period of time. Both the parties resided close to one another. Whether the de facto complainant was unaware of the marital status of the petitioner requires to be assessed in the backdrop of the aforesaid circumstances during trial. Other cases registered against the petitioner do not revolve

around similar allegations. Investigation in this case is complete. Petitioner is on bail in other cases.

Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be granted bail.

Accordingly, the petitioner 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 ACJM, Ranaghat Nadia on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter the jurisdiction of Hanskhali P.S until further orders and shall report to the officer in charge of the P.S concerned within whose jurisdiction he shall presently reside once in a week until further orders.

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 being CRM (DB) 1045 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)