

30.03.2023
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allowed

CRM(DB) No. 1239 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 81 of 2023 dated 26.01.2023 under Sections 417/376 of the Indian Penal Code.

And

In Re : Mahasin Mondal @ Pintu Mondal petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

.... for the State

Learned Counsel for the petitioner submits he is in custody for 62 days. It is also submitted victim was major at the time of cohabitation. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Victim was major at the time of cohabitation and was aware of the consequences thereof. Under such circumstances and in view of period of detention suffered by the petitioner, we are inclined to grant bail to him.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further

orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)