

10.05.2023.
63.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1855 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Malda P. S. Case No.158 of 2023 dated 25.03.2023 under Section 376 of the Indian Penal Code.

In the matter of : Subrata Singha.

.... Petitioner.

Mr. Mrityunjoy Chatterjee.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh, Id. SGA,
Mr. Asraf Mondal.

...for the State.

Mr. Debapriya Majumder.

...for the de-facto complainant.

Petitioner is in custody for 45 days. It is submitted there was a consensual cohabitation between the parties. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had taken the victim to another place on the false promise of giving job. Thereafter, he raped her.

We have considered the materials on record. Rival versions emerge with regard to the manner and circumstances in which the incident occurred. While the petitioner claimed there was consensual relationship, de-facto complainant/victim alleges he forcibly cohabited after taking her away on the false promise of giving job. Such dichotomy needs to be thrashed out during trial. Petitioner has permanent home and hearth. There is no chance of abscondence.

Keeping in mind the aforesaid facts, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Subrata Singha shall be released on bail upon furnishing a bond of Rs.10,000/- each 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.)