

08.06.2023
tkm/ct 28
sl no. 37

C.R.M. (DB) 2188 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Amherst Street PS case no. 50 of 2023 dated 27.3.2023 under section 376/417 of the IPC

And

Allowed

In Re : Md. Fardin

..... petitioner

Mr. M H Chowdhury

Md. M Alam

..... for the petitioner

Mr. S S Imam

M. S Kundu

..... for the State

Heard learned lawyer for the parties.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission that there was an amorous relationship between the parties during trial.

Keeping in mind the aforesaid fact and period of detention suffered by the petitioner i.e. 71 days and as investigation is complete, we are inclined to grant bail to the petitioner.

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 Chief Judge, City Sessions Court Bichar Bhawan Calcutta 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.

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) 2188 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)