

04.07.2023  
tkm/ct 28  
sl no. 182

**C.R.M. (DB) 2633 of 2023**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Keshiary P.S case no. 100 of 2023 dated 19.3.2022 under sections 376(1)/417 IPC  
and

**Allowed**

In Re : Pradip Maity ..... petitioner

Mr. S Das Mahapatra

Mr. S Das

Ms. M Sinha

..... for the petitioner

Mr. Arijit Ganguly

Mr. S K Dan

..... for the State

Heard learned lawyer for the parties.

We have considered the materials on record. Victim was a widow and it is contended there was free mixing between the petitioner and the said lady. Allegation of rape requires to be assessed in the light of the aforesaid circumstance during trial. Petitioner is in custody for 106 days. Investigation is complete.

Under such circumstances, 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 CJM Kharagpur Paschim Medinipur 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) 2633 of 2023 is disposed of.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**