

11.07.2023
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allowed

CRM(DB) No. 2736 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 282 of 2023 dated 18.04.2023 under Sections 376/420/506 of the Indian Penal Code.

And

In Re : Sarswata Day @ Saswata Kumar Dey petitioner

Mr. Soumyajit Das Mahapatra

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

.... for the State

Learned Counsel for the petitioner submits victim is a married lady and the allegation of rape is out and out false. He prays for bail.

Learned Counsel for the State opposes the bail prayer and submits victim had been lured on a false promise of giving employment and raped.

We have considered the materials on record. Victim was a married lady. Though it is contended that she was lured by the petitioner on the false promise of giving employment no documentary evidence in the form of interview call letter was seized during investigation.

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.)