

20.07.2023
Sl. No.24
akd
[ALLOWED]

C. R. M. (DB) 2883 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.07.2023 in connection with Bidhannagar East Police Station Case No.70 of 2023 dated 13.06.2023 under Sections 417/376/506/120B/34 of the Indian Penal Code. (G.R. Case No.600 of 2023)

And

In Re: ***Sushim Mukul Bhol***

... .. Petitioner

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Souvik Das
Mr. Anamitra Banerjee
Mr. Ayan Mondal

... .. for the petitioner

Ms. Faria Hossain
Mr. Anand Kesari

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about a month. It is further submitted that a marriage was negotiated between him and the de-facto complainant victim. Due to differences in opinion, the marriage did not fructify. She lodged complaint before Pre-litigation Mediation Centre. Subsequently, the present case has been registered. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail and submits there was co-habitation and thereafter, petitioner had refused to marry.

We have considered the materials on record. Petitioner and the de-facto complainant met each other in course of marriage negotiations. Allegation of cohabitation is significantly absent in the complaint lodged by her before the Pre-litigation Mediation Centre. Allegation of rape requires to be assessed in the light of the aforesaid omission during trial. Keeping in mind these facts, we are of the opinion

further detention of the accused/petitioner for progress of investigation is not necessary.

Therefore, the accused/petitioner, namely **Sushim Mukul Bhol**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Bidhannagar, North 24-Parganas subject to condition that the said petitioner 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 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 for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)