

02.08.2023.
31.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 3043 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Para P. S. Case No.150 of 2022 dated 23.11.2022 under Sections 363/328/506 of the Indian Penal Code and under Sections 8/4 of the POCSO Act.

In the matter of : Sarat Tewary.

.... Petitioner.

Mr. Dibyendu Chatterjee,
Ms. Reshmi Ghosh,
Ms. Barnali Gantait.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Anindya Sundar Chatterjee.

...for the State.

Petitioner submits there was a love affair between the parties and he has been falsely implicated. He is in custody for more than eight months. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits victim is a minor and her evidence is fixed on 12th September, 2023.

Inspite of notice, nobody appears for the victim.

We have considered the materials on record. Statement of the minor victim shows there was an intimate relationship between the parties. On the persuasion of the petitioner, she had left her residence alone. Allegation of rape by use of stupefying substance requires to be assessed in the light of the aforesaid circumstances during trial. No medical report with

regard to administration of stupefying substance is placed on record.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Sarat Tewary 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, Raghunathpur, Purulia 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)