

02.08.2023
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allowed

CRM(DB) No. 3053 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 530 of 2023 dated 13.07.2023 under Section 376 of the Indian Penal Code.

And

In Re : Sk. Shid Afridi @ Sk. Afridi petitioner

Mr. Purna Chandra Maiti
Mr. Soumyajit Das Mahapatra
Mr. Mansaram Mandal
Ms. Madhurai Sinha
.....for the petitioner

Mr. Saibal Bapuli, learned APP
Mr. Bibaswan Bhattacharya
..... for the State

Mr. Biswajit Manna
.... for the de facto complainant

Learned Counsel for the petitioner submits he is in custody for about three weeks. It is also submitted that there was a love affair between the parties. He has been falsely implicated. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the de facto complainant also opposes the bail prayer.

We have considered the materials on record. From the statement of the victim it appears that there was a love affair between the parties. Subsequently petitioner refused to marry her and victim tried to commit suicide.

In view of the aforesaid facts it appears that the relationship between the parties was consensual. Under such circumstances

we are of the opinion further detention is not necessary and the petitioner may be granted bail.

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 Chief Judicial Magistrate, Howrah, on 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.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)