

03.08.2023.
19.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 3069 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Suti P. S. Case No.51 of 2023 dated 02.02.2023 under Sections 376/506/417 of the Indian Penal Code.

In the matter of : Karim Sk. @ Roki.

.... Petitioner.

Ms. Shabina Hasin,
Mr. Mobaidur Hossain

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.
Mr. Santanu Chatterjee.

...for the State.

Petitioner is in custody for 145 days. It is submitted allegation of forcible rape is inherently improbable. De-facto complainant is a married lady. Investigation is complete. She prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim lady. Victim alleges she was forcibly raped and thereafter, petitioner promised to marry her. As a result, they cohabited. It may not be out of place to note that the victim herself is a married lady. Allegation of forcible rape and the subsequent promise to marry requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete. Petitioner has home and hearth and there is no chance of abscondence.

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

Accordingly, the petitioner viz., Karim Sk. @ Roki 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, Janngipur, Murshidabad 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.)