

04.09.2023.
25.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3454 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Chapra P.S. Case No.409 of 2023 dated 11.07.2023 under Sections 417/376/379/506/34 of the Indian Penal Code.

In the matter of : Hasibul Mallick.

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Mr. Bidyut Kr. Roy,
Ms. Sima Biswas.

...for the State.

1. Petitioner is in custody for 47 days. Investigation is complete. He submits victim was a major at the time of cohabitation. He prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of the consequences thereof. Allegation of rape requires to be assessed in the aforesaid circumstances during trial.
4. Under such circumstances and as there is no chance of abscondence, we are inclined to grant bail to the petitioner.
6. Accordingly, the petitioner viz., Hasibul Mallick 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, Nadia at Krishnanagar 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.

7. 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.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)