

18.09.2023
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allowed

CRM(DB) No. 3625 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tamluk Police Station Case No. 910 of 2023 dated 09.08.2023 under Sections 417/420/376/506 of the Indian Penal Code.

And
In Re : Sudip Samanta petitioner

Mr. Sabir Ahmed, Sr. Adv.
Mr. T. Ahmed
Ms. Suman Biswas
Mr. Soham Chakraborty
....for the petitioner

Mr. P. K. Datta, learned APP
Mr. Santanu Deb Roy
.... for the State

1. Learned Counsel for the petitioner submits petitioner is in custody for 41 days. There was a love affair between two consenting adults. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner cohabited with the victim on the false promise of marriage.

3. We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was also married and aware of the consequences. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. Accordingly, we are inclined to grant bail to the petitioner.

4. 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, Tamluk at Purba Medinipur, subject to 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.

5. 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.

6. The application for bail is, accordingly, allowed.

(Ajoy Kumar Mukherjee, J.)

(Joymalya Bagchi, J.)