

06.10.2023
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allowed

CRM(DB) No. 3864 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Narkeldanga Police Station Case No. 245 of 2023 dated 04.07.2023 under Sections 498A/406/313/506 of the Indian Penal Code.

And
In Re : Rakesh Patra petitioner

Mr. Arindam Jana
Mr. Arhan Sengupta
....for the petitioner

Mr. S. G. Mukherjee, learned PP
Mr. Imran Ali
Ms. Debjani Sahu
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 56 days. Petitioner and victim had married each other out of love. She became pregnant and it was mutually agreed that they would terminate the unplanned pregnancy of the victim. Thereafter their relationship soured and petitioner has been falsely implicated. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim was given a medicine and thereafter she suffered miscarriage.

3. We have considered the materials on record. Petitioner and victim married each other out of love. Defence plea regarding mutual agreement to terminate unplanned pregnancy cannot be wholly ruled out. Under such circumstances and as there is no chance of abscondence, 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 Additional Chief Judicial Magistrate, Sealdah, subject to condition 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 automatically without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)