

19.12.2023.
Item No. 122.
ap
(Allowed)

C.R.M. (DB) 4517 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.11.2023 in connection with Bauria Police Station Case No. 143 of 2022 dated 05.08.2022 under Sections 363/365/376(2)(n)/120B/302/201/34 of the Indian Penal Code.

And

In the matter of: Tapas @ Mofijuddin Khan.

...Petitioner

Md. Imtiaz Ahmed,
Mr. Mofkkerul Islam,
Mr. Bani Israil,
Md. Sakil,
Md. Arsalan

...For the petitioner

Ms. Anasuya Sinha,
Mr. Pinak Kumar Mitra.

....For the State

1. Leave is granted to correct the cause title of the instant petition.
2. Learned Advocate for the petitioner submits that there was a romantic relationship between the victim and the co-accused Asik Jamadar. He has been falsey implicated in the instant case. He prays for bail.
3. Learned Advocate for the State opposes the prayer for bail and contends that petitioner had also sexually exploited the victim.
4. We have considered the materials on record. Victim had a romantic relationship with one Asik Jamadar. They were living as husband and wife. Credibility of the allegations that the petitioner had sexually exploited the victim while the couple was living together may be assessed during trial.

5. Keeping the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

6. Therefore, the petitioner, namely, Tapas @ Mofijuddin Khan, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Special Court, 1st Court, Uluberia, Howrah subject to the condition that the said petitioner 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 or commit similar offences in future.

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 automatically without reference to this court.

8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)