

21.12.2023
Sl. No.79
akd
[ALLOWED]

C. R. M. (DB) 4707 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.12.2023 in connection with Lalgola Police Station Case No.401 of 2023 dated 15.09.2023 under Sections 376/417/506 of the Indian Penal Code. (G.R. Case No.3093 of 2023)

And

In Re: **Samayun Ali @ Samayan Ali**

... .. Petitioner

Mr. Tapodip Gupta

... .. for the petitioner

Mr. Prasun Kumar Datta .. Id. Addl. Public Prosecutor

Mr. Nirupam Dhali

... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was aware of the consequences thereof. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
3. Therefore, the accused/petitioner, namely **Samayun Ali @ Samayan Ali**, 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 Chief Judicial Magistrate, Lalbagh, Murshidabad subject to 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.

4. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
5. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)