

27.09.2023.

Item No. 6
Court No.1
ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) No. 617 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 21.09.2023 in connection with Mathabanga Police Station Case No. 385 of 2023 dated 22.07.2023 under Sections 406/417/376(2)(n) of the Indian Penal Code.

And

In the matter of: **Safirul @ Saddam Hossain.** ...petitioner

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Satyajit Paul. ...For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar.For the State

1. The application for bail has been taken out on several grounds and the petitioner is in custody since 23rd July, 2023.

2. This Court has considered the complaint of the victim and statement under Section 164 of the Code of Criminal Procedure.

3. It appears that there was a consensual physical relation between the petitioner and the victim girl for a period of three years on a promise to marry her. It further appears that trial has commenced and charge-sheet has been filed under Sections 406/376(2)(n) read with Section 417 of the Indian Penal Code.

4. This Court does not wish to elaborate further on the other parts of the statements as it may prejudice both the prosecution as well as the accused person in the trial.

5. In view of the above, since the physical relations was consensual on a promise to marry between the petitioner and the victim girl, this Court is of the view that the petitioner is entitled to bail.

6. Let the petitioner be released on bail upon furnishing bond of Rs.10,000/- with two sureties of Rs.5,000/- each, one of whom must be local, to the satisfaction of the Learned Additional Sessions Judge, Mathabanga, Cooch Behar.

7. It is further directed that after release, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing.

8. We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take him into custody without any further reference to this Court.

9. C.R.M. (DB) No. 617 of 2023 is, thus, allowed and disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)

