

16.01.2024

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Allowed

C.R.M. (DB) No. 125 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nayagram Police Station Case No. 160 of 2023 dated 01.12.2023 under Sections 376/417 of the Indian Penal Code.

And

In Re : Durga Kisku petitioner

Mr. Soumyjit Das Mahapatra

Ms. Madhurai Sinha

.....for the petitioner

Mrs. Anasuya Sinha

Mr. Sk. Arif Hossain

.....for the State

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record.

Petitioner is in custody for 40 days. There was a romantic relationship between the parties. Whether petitioner intended not to marry the victim from the inception of the relationship requires to be assessed during trial. There is no chance of his abscondence. Under such circumstances we are inclined to grant bail to the petitioner.

3. 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, Jhargram, subject to condition that 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 petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)