

01.03.2024
99
sdas
allowed

CRM (DB) No. 652 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goaltore Police Station Case No. 353 of 2022 dated 08.12.2022 under Sections 417/419/376/420/406 of the Indian Penal Code.

And

In Re : Sukdev Murmu @ Pradip @ Netu @ Prasanta petitioner

Mr. Apurba Kumar Datta

....for the petitioner

Mr. Sudip Ghosh

Ms. Sujata Das

.... for the State

1. Heard the learned Counsel for 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 of her act. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial. Petitioner is in custody for 443 days. Accordingly, 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 Chief Judicial Magistrate, Paschim Medinipore, subject to conditions 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.

4. 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 in accordance with law without further reference to this Court.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)