

01.03.2024.
109.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 665 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sabang P.S. Case No.302 of 2023 dated 01.11.2023 under Sections 498(A)/448/307/354/376/506/509/34 of the Indian Penal Code.

In the matter of : **Saheb Sasmal.**

.... Petitioner.

Mr. Sourav Mondal.

...for the Petitioner.

Mr. Bitasok Banerjee

...for the State.

1. Petitioner submits he is the brother-in-law of the victim lady. He is in custody for 56 days. Allegation of rape is patently absurd. Father-in-law of the victim has been granted anticipatory bail. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record including the statement of the victim. Victim alleged there was a matrimonial dispute. She had reported the matter to the Protection Officer. On 31.12.2012 petitioner and other in-laws came to her house and assaulted her. She also alleged rape against petitioner and father-in-law. Father-in-law has been granted anticipatory bail.
4. Keeping in mind the aforesaid facts, we are of the opinion petitioner may be enlarged on bail.
5. Accordingly, the petitioner viz., **Saheb Sasmal** 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 Medinipur subject to condition that he 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.

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

7. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)