

05.03.2024
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allowed

CRM(DB) No. 689 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Santipur Police Station Case No. 1283 of 2023 dated 08.11.2023 under Sections 376/417/506 of the Indian Penal Code.

And

In Re : Goutam Adhikary petitioner

Ms. Sananda Bhattacharyya

....for the petitioner

Mr. Suman De

.... for the State

1. Liberty is given to the learned Counsel for the petitioner to correct the cause title.

2. Learned Counsel for the petitioner submits he is in custody for 117 days. It is also submitted victim was a widow lady. She cohabited with the petitioner out of her own volition. Petitioner prays for bail.

3. Learned Counsel for the State opposes the prayer for bail and submits petitioner had cohabited on the false promise of giving employment and marriage.

4. We have considered the materials on record. Victim was an adult widow when she cohabited. She was aware of the consequence of her act. Credibility of the allegation whether there was dishonesty at the inception of the relationship may be assessed during trial. There is no chance of abscondence. Under such circumstances we are inclined to grant bail to the petitioner.

5. 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, Ranaghat, Nadia, 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.

6. 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)