

21.03.2024
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 747 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2024 in connection with Balagarh Police Station Case No.392 of 2023 dated 01.10.2023 under Sections 448/376(2)(f)/506 of the Indian Penal Code. (G.R. Case No.2752 of 2023)

And

In Re: **Sukumar Sardar @ Sukumar Sarder**

... .. Petitioner

Mr. Suman Chakraborty

... .. for the petitioner

Mr. Saryati Datta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 172 days. It is further submitted there was a romantic relationship between the parties. Charge has not yet been framed. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. In spite of notice, nobody appears on behalf of the victim.
4. We have considered the materials on record. Allegation of kidnapping and forcible rape requires to be assessed during trial in light of the aforesaid submission made on behalf of the petitioner. Investigation is complete. There is no chance of abscondence. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Sukumar Sardar @ Sukumar Sarder**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the

learned Chief Judicial Magistrate, Hooghly subject to condition that the said 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.

6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)