

21.03.2024.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 893 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Raiganj P.S. Case No.593 of 2023 dated 02.06.2023 under Sections 493/376/313/506/34 of the Indian Penal Code and charge sheet submitted under Sections 493/376/323/506/34 of the Indian Penal Code.

In the matter of : **Sanatan Sarkar.**

.... Petitioner.

Mr. Milon Mukherjee, Id. Sr. Adv.,
Md. Kazi M. Rahaman,
Mr. S. Sarkar.

...for the Petitioner.

Ms. Sreyashee Biswas,
Mr. Arani Bhattacharyya.

...for the State.

1. Petitioner submits there was a consensual relationship between him and the victim lady. He is in custody for 195 days. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the bail prayer. He submits petitioner had cohabited with the victim on the false promise of marriage. He had compelled her to abort the child.
3. We have considered the materials on record. We have also examined the statement of the victim. Victim was a major lady at the time of cohabitation and was aware of the consequence thereof. Whether ingredients of the alleged offences are disclosed requires to be assessed in light of the aforesaid circumstances during trial. Investigation is complete. There is no chance of abscondence.

4. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, the petitioner viz., **Sanatan Sarkar** 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, Uttar Dinajpur 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.)