

12.04.2024.
67.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1097 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Habra P.S. Case No.176 of 2024 dated 23.03.2024 under Sections 417/376/509 of the Indian Penal Code.

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

.... Petitioner.

Ms. Debanjana Sen.

...for the Petitioner.

Mr. Avishek Sinha,

Ms. Pallavi Priyadarshee.

...for the State.

1. Heard the learned Advocates for the parties.
2. We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of the consequence thereof. Petitioner is in custody for about three weeks.
3. In view of the aforesaid facts, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.
4. Accordingly, the petitioner viz., **Rakesh 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, Barasat, North 24-Paraganas 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.

5. 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.

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

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)