

26.04.2024
Sl. No.18
akd
[ALLOWED]

C. R. M. (DB) 1078 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 14.03.2024 in connection with Palashipara Police Station Case No.352 of 2023 dated 03.11.2023 under Sections 417/376/506 of the Indian Penal Code. (G.R. Case No.2045 of 2023)

And

In Re: **Sanjiban Sen @ Sanju**

... .. Petitioner

Mrs. Karabi Roy

... .. for the petitioner

Mr. Asraf Mandal

... .. for the de-facto complainant

Mr. S. S. Imam

Mr. D. Brahma

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 175 days. It is further submitted there was free mixing between the petitioner and the victim lady. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner was a married person.
3. Learned Advocate for the de-facto complainant/victim also opposes the prayer for bail.
4. We have considered the materials on record. Victim was a major lady at the time of cohabitation. The relationship between the parties continued for a considerable period of time. Whether the victim was unaware of the marital status of the petitioner during the subsistence of the relationship requires to be assessed in the light of the aforesaid circumstances during trial. 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 **Sanjiban Sen @ Sanju**, 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 Additional Chief Judicial Magistrate, Tehatta, Nadia 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.)