

29.04.2024
Sl. No.25
akd
[ALLOWED]

C. R. M. (DB) 1104 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.04.2024 in connection with Howrah Police Station Case No.24 of 2024 dated 21.01.2024 under Sections 376/417/323/506/34 of the Indian Penal Code. (G.R. Case No.340 of 2024)

And

In Re: **Saiyad Amir Hussain @ Raja** Petitioner

Mr. Ashok Das
Mr. Sourav Mukherjee
Ms. Hasi Jana
... .. for the petitioner

Ms. Zareen N. Khan
Md. Ejaz Quasim
... .. for the State

1. Heard the learned Advocates appearing for both the parties.
2. We have considered the materials on record. Petitioner is in custody for about 87 days. Victim was a major lady at the time of cohabitation. She was aware of the consequences of the act. Failure to keep promise to marry *per se* would not infer dishonest intention from the beginning of the relationship. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
3. Therefore, the accused/petitioner, namely **Saiyad Amir Hussain @ Raja**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Howrah 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.

4. 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.
5. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)