

18.04.2024
Sl. No.77
akd
[ALLOWED]

C. R. M. (DB) 1198 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 09.04.2024 in connection with Asansol North Police Station Case No.75 of 2024 dated 09.02.2024 under Sections 417/376(2)(n)/506 of the Indian Penal Code. (G.R. Case No.339 of 2024)

And

In Re: **Sajjad Hussain @ Sheru @ Sazzad Hussain @ Sheru**
... .. Petitioner

Mr. Avik Ghatak
Mr. Fahad Imam
Mr. Arshad Hussain
... .. for the petitioner

Ms. Minoti Gomes
Mr. Apurba Kumar Datta
... .. for the de-facto complainant

Mr. Avishek Sinha
Md. M. Nazar Chowdhury
... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 69 days. It is further submitted there was a consensual relationship between the parties. Petitioner suffers from physical disabilities. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. Learned Advocate for the victim also opposes the prayer for bail and submits petitioner is a married man. He suppressed his marital status and cohabited with her.
4. We have considered the materials on record. Victim was an adult lady. She had intimate relationship with the petitioner for five years. Allegation that the petitioner had suppressed his marital status must be assessed in the light of the long association between himself and the victim 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 for progress of investigation is not necessary.

5. Therefore, the accused/petitioner, namely ***Sajjad Hussain @ Sheru @ Sazzad Hussain @ Sheru***, 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, Paschim Bardhaman 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.)