

22.01.2023
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allowed

CRM(DB) No. 4691 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jhargram All Women Police Station Case No. 58 of 2023 dated 08.09.2023 under Section 376 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re : Bapi Hemram @ Shagun Hemram petitioner

Ms. Madhurai Sinha

....for the petitioner

Ms. Zareen N. Khan

Md. Kutubuddin

.... for the State

1. Learned Counsel for the petitioner submits there was a romantic relationship between the parties. There is delay in lodging FIR. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail.

3. In spite of service nobody appears for the victim.

4. We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission that there was a romantic relationship between the parties. Under such circumstances, we are inclined to grant bail to the petitioner.

5. Accordingly, we direct that the petitioner 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 Additional Sessions Judge, 2nd Court,

Jhargram, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

6. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

7. The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)