

29.01.2024
DL-27
Court No.28
(AD)
Allowed

CRM (DB) 4766 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Kushmandi** Police Station Case No. **81 of 2018** dated **11.08.2018** under Sections **376(2)(1)/376D** of the Indian Penal Code, 1860. (G.R. Case No.556 of 2018)

And

In Re : Babul Biswas @ Bablu Biswas petitioner

Mr. Dhananjoy Banerjee

Mr. Arup Kumar Bhowmik

....for the petitioner

Mr. Bitasok Banerjee

.... for the State

1. Petitioner contends that he is in custody for more than three years. Victim has not yet been examined. He prays for bail.

2. Report is placed on behalf of the State

3. From the report, it appears that the date has been fixed on March 20, 2024.

4. We have considered the materials-on-record including the statement of the victim.

5. Victim stated that she had a romantic relationship with the petitioner. They met in a field and had sexually intercourse. At that time other unknown persons had raped her. The said co-accused are presently on bail.

6. Keeping in mind the nature of the statement of the victim particularly the fact that there was a romantic relationship

between her and the petitioner, we inclined to enlarge the petitioner on bail.

7. 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 Chief Judicial Magistrate, Gangarampur, subject to condition that 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.

8. In the event 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.

9. The application for bail being **CRM (DB) 4766 of 2023** is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)