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Allowed

C.R.M.(DB) No. 4858 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranaghat Woman Police Station Case No. 126 of 2023 dated 04.12.2023 under Sections 376/120B/506 of the Indian Penal Code.

And

In Re : Subham Dutta @ Subham Datta petitioner

Mr. Shibaji Kumar Das

... for the petitioner

Mr. Avishek Sinha

... for the State

1. Learned Counsel for the petitioner submits he is in custody for 59 days. It is also submitted victim is a married and adult lady. There was consensual sexual intercourse between the parties. Under such circumstances, he prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits petitioner had taken objectionable pictures and blackmailed the victim.

3. We have considered the materials on record. Victim is a married and adult lady. Initially there was free mixing between the parties. Whether petitioner compelled the victim to continue the relationship through blackmail requires to be assessed during trial. Keeping in mind the aforesaid facts and period of detention suffered by the petitioner we are inclined to grant bail to him.

4. 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, Ranaghat, Nadia, subject to conditions that he 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.

5. In the event he 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.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)