

S.T. 02(10)2023
CNR-WBBK090002652023

**In connection with Indpur P.S. 43 of 2023 dated 03.06.2023 U/s 376(2) (n)
of IPC corresponding to GR case no. 461/2023**

Order No. 18
Dated 28.03.2024

Today is the date fixed for further hearing of the bail petition dated 13.03.2024 filed on behalf of accused person namely, Milan Duley and production of the accused person.

Ld. Advocate for the said accused person is present.

Ld. P.P. In-charge of this case is present.

Ld. Advocate for the said accused person has submitted that no any bail petition is pending or rejected by any higher Court in respect of the accused person in this case and one affidavit is filed in that respect. Ld. Public Prosecutor In-charge of this case has conceded the said submissions of the Ld. Advocate for the accused person.

Ld. Advocate for the said accused person has submitted that this accused person has been in custody since 03.06.2023. He has further submitted that, victim of this case is the wife of accused person as victim herself has deposed before this court during evidence that she married with accused person prior to incidents after long terms love affairsw and no prima facie case lie against the wife for commission of the offence U/s 376 (2) (n) of IPC. He has further submitted that, in this case victim has been examined and she has not supported the prosecution case. He has filed affidavit in respect of solemnization of marriage between accused person and victim. Father of accused person namely Subhas Duley is also present in person and he files affidavit in respect of solemnization of marriage between the accused person and victim of this case. He prays for enlarging this accused person on bail on any conditions.

Ld. Public Prosecutor In-charge of this case has vehemently opposed the bail prayer of this accused person, and submitted that allegations against this accused person are very serious. He prays for rejecting the bail prayer of this accused person.

I have heard the submissions of the Ld. Advocate for the said accused person and the Ld. Public Prosecutor in charge of this case, and perused the records including CD. From the records, it is revealed that this accused person has been in custody since 03.06.2023 and victim of this case has been examined and she has not supported prosecution case. From the records, it is revealed that victim of this case is major and mature enough to know the consequence of sexual relation. From the records, it is revealed that during evidence victim of this case has deposed that, she married with accused person and after that she went to house of the accused person. From the records, it is revealed that victim delivered a male child on 22.07.2023. With above observations and considering the materials on records specially evidence of victim, I am of the view that it

will be justified to enlarge this accused person namely Milan Duley on bail on the following conditions:

- 1) This accused person will appear in each and every proceeding of the case.
- 2) The accused person namely, Milan Duley will furnish bail bond of sum of Rs. 2000/- with two registered sureties of Rs. 1000/- each to the satisfaction of Ld. A.C.J.M, Khatra.

With the above observations, bail petition dated 13.03.2024 filed on behalf of accused person namely, Milan Duley is disposed of.

Let CD be returned.

To date(29.04.2024) for production / appearance of the accused person and prosecution evidence.

Let the copy of this order be sent to the Ld. A.C.J.M, Khatra for information.

Dictated & corrected
by me.

A.S.J

Additional Sessions Judge,
Khatra, Dist.- Bankura
J.O. Code WB01399