

21.09.2020

tkm

sl no. 83

CRA 180 of 2020
CRAN 2 of 2020 (old no. CRAN 4680/20)
CRAN 3 of 2020 (old no. CRAN 4683/20)
(via video conference)

In Re : An application under section 374(2) of the Code of Criminal Procedure

And

Allowed

In Re : Tasirul Molla appellant

Mr. Sabir Ahmed

Mr. M I Kayal

Mr. S Sarkar

..... for the appellant

Mr. N Ahmed

..... for the State

It is submitted that the appellant was on bail during trial and did not misuse his liberty in any manner whatsoever. It is further submitted that the victim was major and there was a consensual relationship between the parties.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record in the light of the submission that there was a consensual relationship between two adults. Hence the appellant has made out a prima facie case against the conviction.

In view of the aforesaid facts and as the sentence is one of term imprisonment and the appellant who was on bail during trial did not misuse the liberty in any manner whatsoever, we are inclined to suspend the sentence of the appellant and grant bail to him.

Accordingly, the appellant shall be released on bail upon furnishing a bond of Rs. 20,000/- with two sureties of like amount each to the satisfaction of the learned CJM, South 24 Parganas at

Alipore on condition that the appellant shall report to the said magistrate once in a month till the disposal of the appeal.

In the event the appellant fails to do so, the said court shall forthwith intimate such fact to this court and the department shall place this matter before the appropriate Bench for necessary order in accordance with law.

CRAN 4680 of 2020 and 4683 of 2020 are disposed of.

Lower court records be called for.

Paper books be prepared within four weeks from the date of receipt of the lower court records.

Photostat certified copy of this order, if applied for, be given to the parties as expeditiously as possible.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)