

9.10.2020
Item no. 20
Ct.11
FB/G. S. Das

C.R.M. No.7332 of 2020
CRAN 1 of 2020

(Via Video Conference)

In Re:- An application for bail under section 439 of the Code of Criminal Procedure in connection with Bizpur P.S. Case No. 269 of 2020 dated 16.7.2020 under Sections 376/506 of the Indian Penal Code.

And

In the matter of:-

Umesh Sharma

... Petitioner

Mr. Debasis Kar

Mr. Husen Mustafi

Mr. Subhajit Chowdhury

.. for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing.

Heard Learned Counsel for the petitioner and Learned Counsel for the State.

Learned Counsel for the petitioner submits that both he and the Victim Girl (VG) are major being aged about 47 and 30 years respectively. It is submitted that they had entered into a consensual relationship.

The petitioner further submits that the present complainant arises out of a property dispute with his elder brother of the VG and the complaint is of property dispute with his elder brother of whom the VG is the adopted daughter.

Ld. State Counsel produces the Case Diary and relies upon the Section 164 Cr.P.C. Statement of the VG as recorded before the Ld. Magistrate.

Mr. Banerjee, Learned State Counsel, disputes the stand of the petitioner that the relationship was consensual on the basis of the Section 164 Cr.P.C. statement (supra).

Heard.

Considering the materials placed as well as the further fact that charge-sheet has been submitted, this Court is satisfied that the further custodial interrogation of the petitioner is not warranted at the present stage.

Accordingly, in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with one surety, to the satisfaction of the Additional Chief Judicial Magistrate, Baruipur, North 24 Parganas and, on the condition that the petitioner shall not tamper with the evidence or intimidate the witnesses. Further, the petitioner shall make himself available before the Ld. Trial Court on all dates. The petitioner shall also deposit his passport with the Court of the Learned ACJM, Baruipur and submit proof of such deposit to the prosecution.

In the event of default, the bail as granted today, shall be liable to be cancelled.

With these observations, CRM 7332 of 2020 and CRAN 1 of 2020 stand disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent xerox certified copy of this order if applied for be supplied to the parties, subject to compliance with all requisite formalities.

(Shivakant Prasad, J.)

(Subrata Talukdar, J.)