

C.R.M. 9724 of 2020

(Through Video Conference)

In the matter of : An application for bail under section 439 of the Code of Criminal Procedure in connection with Nandakumar P.S. Case No. 56 of 2020 dated 09.02.2020 under sections 417/376/420/506 of the Indian Penal Code.

And

In the matter of : Barun Dev Barman

Mr. Ritam Chowdhury

... ... for the petitioner

Mr. Tanmoy Kr. Ghosh

Mr. Arindam Sen

... ... for the State

Mr. Suman De

... ... for the de facto complainant

It is submitted on behalf of the petitioner that the victim is a major consenting lady. It is further submitted on behalf of the petitioner that there are civil disputes between the parties.

Learned lawyer for the State opposes the prayer for bail.

Learned lawyer for the de facto complainant submits that petitioner had not only ravished the victim but also cheated large sums of money.

We have considered the materials on record. Allegation of rape may be assessed in the light of the submission relating to cohabitation between consenting parties.

In view of the aforesaid facts including the period of detention suffered by the petitioner, that is, 57 days, we are inclined to grant bail to the petitioner.

Accordingly, 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 Chief Judicial Magistrate, Tamluk, Purba Medinipur subject to the condition that the 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.

In the event the petitioner fails to do so without justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application for bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)