

15.12.2020.
54.
as
(Allowed)

C.R.M. 10387 of 2020

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Ranibandh P. S. Case No.29 of 2020 dated 20.10.2020 under Sections 376/417 of the Indian Penal Code.

In the matter of : Kalpataru Mahato.

.... Petitioner.

Mr. Navanil De,
Mr. Rajeshwar Chakraborty.

...for the Petitioner.

Ms. Sukanya Bhattacharyya,
Md. Kutubuddin.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

Allegation of rape on the victim may be assessed in the light of the submission that the victim was a major lady at the time of cohabitation and was aware of the consequences of such conduct.

Under the circumstances and in view of the period of detention suffered by the petitioner i.e. 55 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 Additional Chief Judicial Magistrate, Katra, Bankura subject to 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 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.

The application, being C.R.M. 10387 of 2020, is disposed of.

(Suvra Ghosh,J.)

(Joymalya Bagchi, J.)