

20.12.2021.
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(Allowed)

C.R.M. 8385 of 2021

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nandakumar P. S. Case No.88 of 2021 dated 20.02.2021 under Sections 417/420/376 of the Indian Penal Code.

In the matter of : Rudrasish Maity.

.... Petitioner.

Mr. Avik Ghatak,
Mr. Fahad Imam,
Mr. Saibal Krishna Dasgupta.

...for the Petitioner.

Mr. Tanmoy Kr. Ghosh,
Ms. Sonali Bhar.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is submitted on behalf of the petitioner that the victim was a major lady at the time of cohabitation. Petitioner is in custody for about 188 days.

Learned Advocate appearing for the State opposes the prayer for bail and submits victim was made to cohabit on the threat that her objectionable pictures would be uploaded on the internet.

We have considered the materials on record. The victim is a major lady. No electronic evidence with regard to objectionable pictures have been seized in the course of investigation.

In view of the aforesaid fact whether consent of the victim was procured through threat and coercion requires to be adjudged during trial.

However, in the factual matrix of the case and the period of detention suffered by the petitioner, 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, Tamruk, Purba Medinipur 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.8385 of 2021, is disposed of.

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)