

01.08.2022
tkm/ct 28
sl no. 36

C.R.M.(DB) 2551 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baguiati P.S Case No. 151 of 2022 dated 13.4.2022 under sections 417/376 of the Indian Penal Code

And

Allowed

In Re : Soumen Ghosh @ Gourav

..... petitioner

Mr. Milon Nandi

Mr. M K Kundu

..... for the petitioner

Mr. Joydeep Roy

Ms. Sujata Das

..... for the State

Mr. Nasreen Islam

..... for the de facto complainant

Petitioner is in custody for 88 days. It is submitted victim was a major lady at the time of cohabitation.

Learned lawyer for the State opposes the prayer for the bail.

Learned lawyer for the de facto complainant also opposes the prayer for the bail and submits petitioner had threatened the victim.

We have considered the materials on record. Allegation of rape is to be assessed in the light of the submission that the victim was a major lady at the time of cohabitation and was aware of consequences thereof.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion though further detention of the petitioner is not necessary, his movement requires to be restricted in order to instill confidence in the mind of the de facto complainant and other witnesses.

Accordingly, the petitioner 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 CJM, North 24 Parganas at Barasat on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not enter the jurisdiction of Baguiati P.S until further orders except for purpose of investigation and attending court proceeding and shall provide address where he shall presently reside to the investigating officer as well as to the court below and shall report to the officer in charge of the concerned P.S within whose jurisdiction he shall presently reside once in a week until further orders.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 2551 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)