

10.01.2023
30
sdas
allowed

CRM(DB) No. 71 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nischinda Police Station Case No. 251 of 2022 dated 14.10.2022 under Sections 493/376/417/34 of the Indian Penal Code.

And
In Re : Sanjay Sharma petitioner

Mr. Deepak Sengupta, Sr. Adv.
Mr. Mrityunjoy Chatterjee
Mr. Ravi Ranjan Kumar
Mr. Saket Sharma
.....for the petitioner

Mr. Neguive Ahmed, learned APP
..... for the State

Learned senior Counsel appearing for the petitioner submits he is a singer of devotional songs. It is also submitted that he met the defacto complainant and an amorous relationship developed between them. He trusted the defacto complainant and she used to handle his professional activities. She was aware of his marital status. Dispute broke out between the parties with regard to payments to the petitioner over performances. Settlement was arrived at. But in retaliation, he has been falsely implicated. He prays for bail.

Learned Counsel appearing for the State opposes the prayer for bail and submits petitioner had forcibly raped the victim in 2013. He threatened to upload her pictures on social media and continued the relationship. Only in 2022 she came to know that he is a married man and lodged F.I.R. Investigation is in progress.

We have considered the materials on record. We have also examined the downloaded messages between the parties on social media. It appears an intimate relationship between them was continuing for a long time. No material is placed on record to show recovery of objectionable pictures of the victim from the petitioner. Prosecution case that the victim was unaware of the marital status of the petitioner requires to be assessed in the light of the continuing an intimate relationship running for about a decade in the course of the trial. Materials have also been placed on record that the defacto complainant/victim used to handle the professional affairs of the petitioner too. A dispute had broken out between them. Possibility of false implication over such dispute cannot be ruled out. Under such circumstances, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, we direct that 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, Howrah, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that he shall co-operate with investigation as and when necessary.

In the event the petitioner fails to appear before the trial court 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)