

23.02.2023
tkm/ct 28
sl no. 65

C.R.M. (DB) 736 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Shibpur P.S case no. 366 of 2022 dated 11.11.2022 under sections 417/376/506/34 of the IPC
and

Allowed

In Re : Bittu Shaw @ Bittu Sahu

..... petitioner

Mr. S Basu Roy Chowdhuri

..... for the petitioner

Mr. Binay Panda

Ms. Puspita Saha

..... for the State

Petitioner is in custody for 98 days. Investigation is complete. It is contended victim was major at the time of incident. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the statement that there was consensual relationship between two adults.

Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

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, Howrah 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.

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) 736 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)