

13.03.2023  
Sl. No.139  
akd  
[ALLOWED]

**C. R. M. (DB) 871 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.02.2023 in connection with Hare Street Police Station Case No.326 of 2022 dated 02.12.2022 under Sections 417/376/354 of the Indian Penal Code and subsequently charge sheet submitted under Sections 376/417/323/509 of the Indian Penal Code. (G.R. Case No.1404 of 2022)

And

In Re: ***Roshan Kumar***

... .. Petitioner

Mr. Mrityunjoy Chatterjee  
Mr. Sunil Singh

... .. for the petitioner

Ms. Faria Hossain  
Ms. Baisali Basu  
Ms. Mamata Jana

... .. for the State

Leave is granted to the learned Advocate-on-record of the petitioner to correct the cause title in course of this day.

It is submitted on behalf of the petitioner that he is in custody for about 100 days.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Victim was major at the time of cohabitation. She was aware of the consequences thereof. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Roshan Kumar***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta subject to condition that the said 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 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 for bail, thus, stands **allowed**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**