

24.03.2023.
34.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1081 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Panchla P. S. Case No.309 of 2022 dated 11.09.2022 under Sections 376/417/406/506/34 of the Indian Penal Code.

In the matter of : Naresh Naskar.

.... Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Debapriya Majumder.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Petitioner is in custody for 115 days. Investigation is complete. He contends there was a consensual relationship between two adults. He prays for bail.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record. Statement of the victim show there was free mixing between the parties. She was adult at the time of occurrence. No electronic evidence with regard to objectionable pictures has been recovered from the petitioner.

Under such circumstances and in view of period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner Naresh Naskar 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 condition that he 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 for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)