

18.04.2023
tkm/ct 28
sl no. 69

C.R.M. (DB) 1543 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Asansol North PS case no. 187 of 2022 dated 24.4.2022 under sections 323/120B/376/354C/506 of the IPC and sections 67 and 67A of the IT Act

And

Allowed

In Re : Monu Kumar @ Monu Kumar Yadav petitioner

Mr. Bitasok Banerjee

Mr. A K Datta

..... for the petitioner

Mr. Swapan Banerjee

Mr. A S Chatterjee

..... for the State

It is submitted that there was consensual relationship between the parties. He has been falsely implicated. He prays for bail.

Learned lawyer for the State opposes the bail.

We have considered the materials on record including the statement of the victim recorded under section 164 Cr.P.C. Victim contended that she was given a spiked drink and thereafter raped. Subsequently petitioner had uploaded her obscene pictures on the internet. However, no electronic evidence in support of such allegation is placed on record. Credibility of her statement requires to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the facts and circumstances of the case and the period of detention suffered by the petitioner i.e. 162 days, 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, Paschim Bardhaman 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) 1543 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)