

12.05.2023.
38.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 1907 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with South Port P.S. Case No.121 of 2020 dated 06.09.2020 under Sections 376/417 of the Indian Penal Code.

In the matter of : Abhishek Kumar.

.... Petitioner.

Mr. Sourav Chatterjee,
Ms. Aiswarjya Gupta,
Mr. Kuntal Ray.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for 87 days. It is submitted victim is a major lady and there is consensual relationship between the parties.

Learned Advocate for the State opposes the bail prayer.

We have considered the materials on record including the statement of the victim. She was a major lady at the time of occurrence and was aware of the consequence thereof.

Keeping in mind the aforesaid circumstances and the period of detention suffered by the petitioner i.e. 87 days, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Abhishek Kumar shall be released on bail upon furnishing a bond of Rs.10,000/- each 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 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.)