

17.05.2023
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allowed

CRM(DB) No. 1994 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Halisahar Police Station Case No. 33 of 2023 dated 27.01.2023 under Section 376 of the Indian Penal Code.

And

In Re : Kumaresh Bhattacharjee @ Bhattacharya petitioner

Mr. Shibaji Kumar Das

....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

.... for the State

Heard the learned Counsels for the parties.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the submission that there was consensual relationship between two adults. Petitioner is in custody for 110 days. Investigation is complete. Hence, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner 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 Additional Chief Judicial Magistrate, Barrackpore, North 24 Parganas, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)