

08.06.2023
tkm/ct 28
sl no. 35

C.R.M. (DB) 2185 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Dhantala PS case no. 50 of 2023 dated 22.1.2023 under section 376/417 of the IPC

And

Allowed

In Re : Sanjit Roy

..... petitioner

Mr. Amanul Islam

Mr. S Mukherjee

..... for the petitioner

Mr. T K Ghosh

M. Arindam Sen

..... for the State

Petitioner is in custody for 136 days. He submits that the victim was a major lady at the time of cohabitation. He prays for bail.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. Allegation of rape requires to be assessed in the light of the aforesaid submission that the victim was a major lady and knew the consequences of her act during trial.

Keeping in mind the aforesaid fact and period of detention suffered by the petitioner, 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 ACJM Ranaghat Nadia 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) 2185 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)