

CRM (DB) 2331 of 2023

In re: An application for bail under Section 439 of the Code of Criminal Procedure in connection with Shibpur Police Station Case No.7 of 2023 dated 04-01-2023 under Sections 417/376/506 of the Indian Penal Code.

- A n d -

In the matter of : Sanjay @ Sanjoy Biswas

.... Petitioner.

Mr. Shibaji Kumar Das,
Ms. Rupsa Sreemani

... For the Petitioner.

Mr. Saurindra Mahapatra,
Mr. Subham Bhakat

... For the State.

Mr. Niladri Sekhar Ghosh,
Mr. Mukul Biswas,
Mr. Pradip Pal

... For defacto-complainant.

The allegations are under Sections 417/376/506 of the Indian Penal Code.

The petitioner says that the defacto-complainant/victim lady went on at least six trips with him, including to Haridwar, Shimla and Diamond Harbour. He says that there was consensual physical relationship between the parties. He has been wrongly framed in this matter.

We have perused the Case Diary. The victim is 37 years of age. We have also seen her statement recorded under Section 164 of the Code of Criminal Procedure, where she says that she on several occasions accompanied the petitioner on pleasure trips.

On an overall consideration of the facts and circumstances of the case and the material on record, although charge-sheet has not yet been filed, we are of the

view that further custodial detention of the petitioner may not be necessary.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Chief Judicial Magistrate, Howrah. The petitioner shall appear before the trial Court on every date of hearing, if any, until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall remain within the jurisdiction of the local police station and shall report to the Investigating Officer of the jurisdictional police station once every fortnight.

In the event the petitioner fails to adhere to any of the conditions stipulated above 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 being CRM (DB) 2331 of 2023 is, thus, **allowed**.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)