

18.07.2023.
25.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2834 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Murshidabad P. S. Case No.125 of 2023 dated 17.02.2023 under Sections 417/376 of the Indian Penal Code.

In the matter of : Babin Kumar Pattanaik @ Pattanayak.
.... Petitioner.

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee,
Mr. Souparna Sinha.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. June Modak.

...for the De-facto complainant.

Petitioner is in custody for 447 days. He submits there is consensual relationship between the parties. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner had physical relationship with the victim girl.

Learned Advocate for the de-facto complainant-victim submits petitioner is a professor and had multiple physical relationships not only with the de-facto complainant but other students too.

We have considered the materials on record. Victim was a major lady at the time of cohabitation. No doubt, conduct of the petitioner appears to be immoral. Whether consent of the victim to physical association was procured through false or

dishonest representation requires to be assessed in course of trial.

Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the petitioner is not necessary and he may be enlarged on bail.

Accordingly, the petitioner viz., Babin Kumar Pattanaik @ Pattanayak 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, Lalbag, Murshidabad 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.)