

22.08.2023
tkm/ct 28
sl no. 45

C.R.M. (DB) 3296 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Asansol Women PS case no. 45 of 2023 dated 7.6.2023 under sections 376/417 IPC
and

Allowed

In Re : Bikash Kumar Yadav ... petitioner

Mr. Avik Ghatak
Mr. S K Dasgupta

..... for the petitioner

Mr. Tanmay Kr. Ghosh
Mr. Asraf Mondal

..... for the State

1. Petitioner is in custody for 80 days. It is submitted victim was major at the time of cohabitation. He prays for bail.
2. Learned lawyer for the State produces the case diary.
3. We have considered the materials on record. There was free mixing between two persons. Victim was major at the time of cohabitation and was aware of the consequences thereof. Allegation of rape is to be assessed in the light of the aforesaid circumstance during trial.
4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.
5. 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 CJM Paschim Bardhaman 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.

6. 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.

7. The application being CRM (DB) 3296 of 2023 is disposed of.

(Rai Chattopadhyay, J.)

(Joymalya Bagchi, J.)