

06.09.2023
tkm/ct 28
sl no. 25

C.R.M. (DB) 3478 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baguiati P.S case no. 369 of 2023 dated 22.6.2023 under sections 417/376/406/506 IPC
and

Allowed

In Re : Smarendra Nath Barick ... petitioner

Mr. Sreyashee Biswas
Ms. Puja Goswami

..... for the petitioner

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

..... for the State

1. Petitioner is in custody for 55 days. He submits victim was a major lady at the time of cohabitation. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. We have considered the materials on record. Victim was a major lady at the time of cohabitation. She was aware of the consequences of the relationship. Allegation of blackmail is not supported by materials on record.
4. Under such circumstances, 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, North 24 Parganas at Barasat 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) 3478 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)