

16.11.2023
Sl. No.29
akd
[ALLOWED]

C. R. M. (DB) 4160 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 13.10.2023 in connection with Jorasanko Police Station Case No.111 of 2023 dated 18.06.2023 under Sections 376/506 of the Indian Penal Code.

And

In Re: ***Shabbir Ahmed***

... .. Petitioner

Md. Zeeshanuddin
Ms. Amrin Khatoon
Mr. Abhishek Purohit
Mr. Suraj Rajak

... .. for the petitioner

Mr. Binay Panda
Ms. Puspita Saha

... .. for the State

1. It is submitted on behalf of the petitioner that there was business relationship between himself and the husband of the victim. Allegation that he had called the victim to his residence and forcibly raped her is out and out false. There is delay in lodging FIR. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits objectionable pictures/videos of the victim had been taken and she was blackmailed.
3. We have considered the materials on record. There was business relationship between the petitioner and the husband of the victim. They were known to each other. It is alleged petitioner requested the victim to come to his residence to discuss the extra-marital affair of her husband. Under this ruse he committed rape but the victim kept silent for about a fortnight. Reason offered for the delay in lodging FIR is that victim was threatened that her objectionable

pictures/videos would be leaked. Investigation has not revealed any objectionable pictures/videos of the victim. Credibility of the prosecution case with regard to forcible rape in the light of this aspect requires to be assessed during trial. There is no chance of abscondence of the petitioner.

4. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Shabbir Ahmed**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta subject to condition that the said petitioner 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.
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 for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)