

20.12.2023
Sl. No.79
akd
[ALLOWED]

C. R. M. (DB) 4592 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 28.11.2023 in connection with Raidighi Police Station Case No.587 of 2023 dated 03.11.2023 under Sections 417/376(1)(m)/506 of the Indian Penal Code. (G.R. Case No.3779 of 2023)

And

In Re: ***Bikram Mistry @ Bikram Mistri***

... .. Petitioner

Mr. Sumanta Chakraborty

... .. for the petitioner

Mr. Prasun Kumar Dutta .. Id. Addl. Public Prosecutor

Sk. Arif Hossain

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 46 days. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. Victim was a major lady. She was aware of the consequences of cohabitation. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. There is no chance of abscondence of the petitioner. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
4. Therefore, the accused/petitioner, namely ***Bikram Mistry @ Bikram Mistri***, 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 Additional Chief Judicial Magistrate, Diamond Harbour, South 24-Parganas 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.

5. 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.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)