

03.10.2023.

Ct. No. 1

Item No. 41

sp

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

C.R.M. (DB) No. 597 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 18.09.2023 in connection with Kumargram Police Station Case No. 178 of 2023 dated 02.09.2023 under Sections 417/376/506 of the Indian Penal Code, 1860;

And

In the matter of: **Souptik Das**

...petitioner

Mr. Sudip Guha

... For the petitioner

Mr. Kallol Acharjee,
Ms. Namrata Das

... For the State

1. The application for bail is made on the ground that the complaint indicates that the victim and the accused are majors and had consensual physical relations.
2. It appears from the complaint as well as the statements of the victim under Section 164 of the Cr. P.C. that the victim was raped against her will, on a promise of marriage. It is further revealed that the accused had video recorded the act and stored it on his laptop.
3. In the backdrop of the above, this Court is of the view that the benefit of, the principle of settled law that physical relations on the promise of marriage, would

not be available to the petitioner, since it was not voluntary.

4. Accordingly, the application for bail of the petitioner is rejected.
5. The Investigating Officer shall forthwith seize the laptop of the petitioner and ensure that the objectionable video is not circulated. If such circulation already happened, the Investigating Officer shall be at liberty to investigate into further offences.
6. CRM (DB) 597 of 2023 shall stand dismissed.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Supratim Bhattacharya, J.) (Rajasekhar Mantha, J.)