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ITEM NO.43

COURT NO.2

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).9289/2011

(From the judgement and order dated 18/05/2011 in CRA No.89/1999, of The  
HIGH COURT OF CALCUTTA)

DEBENDRA PAIKAR

Petitioner(s)

VERSUS

STATE OF WEST BENGAL

Respondent(s)

(With appln(s) for bail and office report )

Date: 03/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s)

Mr. Pijush K.Roy, Adv.  
Mr. Mithilesh Kumar Singh,AOR.

For Respondent(s)

Mr. Abhijit Sengupta,AOR.  
Mr. Faisal, Adv.  
Mr. Kabir Shankar Bose, Adv.  
UPON hearing counsel the Court made the following  
O R D E R

The petitioner has been convicted under Sections 366 and 376  
IPC and sentenced under the latter Section to imprisonment for a  
period of ten years and to pay a fine of ` 1000/-; in default, to  
undergo simple imprisonment for six months.

From the medical report, which has been annexed to the  
Special Leave Petition, and the opinion of the doctor, it appears  
that there were no signs or symptoms of rape on the hymen and the  
private parts of the victim and it was not possible to say  
whether she was at all raped or not.

In such circumstances, we are inclined to allow the  
petitioner's prayer for bail. Accordingly, let the petitioner  
be released on bail to the satisfaction of the trial court, on  
such terms and conditions, as may be considered necessary to  
ensure the presence of the petitioner, when the matter is taken  
up for consideration.

Leave granted.

Let the hearing of the appeal be expedited.

|(Sheetal Dhingra)  
|COURT MASTER

|(Juginder Kaur)  
|Assistant Registrar

