

Party Name : DULAN ROY ON BEHALF OF ACCD. ABHIJIT ROY Vs THE STATE OF TRIPURA

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THE HONBLE MR JUSTICE U. B. SAHA

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The instant application is filed by one Smt. Dolan Roy, mother of the accused Abhijit Roy for granting bail to her son who was arrested on 27.03.2015 in connection with the Bishalgarh PS Case No. 39 of 2015 under Sections 376/417 IPC.

Heard Mr. AK Bhowmik, learned senior counsel appearing for the accused as well as Mr. RC Debnath, learned Additional PP who has produced the case diary of the aforesaid police case.

Mr. Bhowmik, learned senior counsel while urging for bail submits that the accused Abhijit Roy is in custody for 43 days and the allegations made against him even if accepted then also it is not a case under Section 376 IPC, at best a case made out under Section 417 IPC. He has also submitted that just after the arrest of the accused, his father expired and thereafter he made an application for granting him bail on that count but the learned Magistrate rejected the prayer. He again submitted that admittedly there was a love affair between the accused and the victim and the alleged sexual relation was the outcome of the love affair.

Mr. Debnath, learned Additional PP has produced the case diary and opposed the bail on the ground that from the medical report it would be evident that the victim was pregnant due to sexual intercourse with the accused.

This Court has gone through the case diary and considered the submission of the learned counsel appearing for the parties.

It also appears that the evidence available in the case record do not suggest for rejecting the bail prayer. More so, Mr. Bhowmik also undertakes that the accused will face the trial, if any and he will also help the Investigating Agency and will appear as and when called for. Considering the entire facts and circumstances, the accused Abhijit Roy is granted bail on furnishing a bail bond of Rs.25,000/- (Rupees twenty five thousand) only with 2 (two) local sureties out of them one should be a government employee and the accused shall appear before the Investigating Officer of the case once in a week for the next 3 (three) months. With the aforesaid order, the instant bail application is disposed of. Send back the case diary.