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18.03.2021.
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**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM 97 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 18.01.2021 in connection with Ghoksadanga Police Station Case No.208 of 2020 dated 04.09.2020 under Sections 376/506 of the Indian Penal Code, 1860, corresponding with GR Case No.604 of 2020, Session Case No.41 of 2020.

And

In Re : Indra Rajbhor @ Indrajit Rajbhar

... petitioner.

Mr. Hillol Saha Podder

... for the petitioner.

Ms. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdar

... for the State.

Considering the age (48 years) of the alleged victim and the fact that the FIR was registered after 12 days of the alleged offence, there cannot be any presumption that the petitioner was intimidated in occasioning the delay regarding such complaint. Moreover, there is an allegation of political rivalry between the families of the complainant and the victim, which creates a *prima facie* doubt which has to go to the benefit of the petitioner for the present purpose.

Accordingly, CRM 97 of 2021 is allowed, thereby granting bail to the petitioner, namely, Indra Rajbhor @ Indrajit Rajbhar, on furnishing bond of Rs.10,000/- with two sureties of like amount

each, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabhanga. The petitioner shall attend on each date of trial and shall not commit any offence similar to the offence of which he is accused during trial. Further, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to any police officer or to the court or tamper with evidence.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)