

14.06.2022
tkm/ct 28
sl no. 67

C.R.M. (DB) 1704 of 2022

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Durgapur P.S case no. 188 of 2022 dated 3.5.2022 under section 376(2)(k) IPC

And

Allowed

In Re : Dinkar Kumar

..... petitioner

Mr. Sabyasachi Banerjee

Ms. M Palana

..... for the petitioner

Mr. R D Nandi

Ms. Ishita Dutta

..... for the State

Petitioner is in custody for 27 days. It is contended that the de facto complainant is a disgruntled employee against whom petitioner had recommended initiation of proceedings. In retaliation, she has lodged the present case.

Learned lawyer for the State opposes the prayer for bail and submits that petitioner was a superior officer in the institution where the victim worked. He had supervening control over the victim and had committed rape on her.

We have considered materials on record including the statement of the victim lady.

Incident of rape is alleged to have occurred on 16.4.2022. It is contended petitioner threatened the victim stating he would dismiss her from service if she disclosed the incident. Hence, she kept mum. Even if such fact is true, we are unable to appreciate why the victim did not disclose the fact to her husband or near relations. She kept quiet and filed the instant case after

proceedings for insubordination was proposed against her at the work place pertaining to an incident on 22.4.2022.

Allegation of rape by the petitioner, therefore, requires to be assessed in the light of the aforesaid attending facts and circumstances including the delay in lodging FIR in the course of trial.

Under such circumstances and bearing in mind the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned ACJM, Durgapur on condition that the petitioner shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

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.

The application being CRM (DB) 1704 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)