

24.06.2022
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allowed

CRM(DB) 1991 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Tarapith Police Station Case No. 22 of 2022 dated 02.03.2022 under Section 376(2)(n) of the Indian Penal Code.

And

In Re : Avijit Saha @ Sastri petitioner

Mr. Sandipan Ganguly, Sr. Adv.
Mr. Indrajit Bhattacharjee
Mr. M. R. Singh

.....for the petitioner

Mr. Bidyut Kumar Roy
Mrs. Kumkum Mitra

..... for the State

Petitioner is in custody for 102 days.

Learned Counsel appearing for the petitioner submits that investigation is complete. It is further submitted that allegation of forcible rape is patently absurd as there is delay for more than 1 and ½ years in lodging F.I.R.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. She stated that the petitioner is a tantrik and had forcibly cohabited with her. However, she did not lodge any complaint case more than 1 and ½ years. Explanation for delay offered by the victim requires to be assessed in the course of trial.

Keeping in mind the aforesaid facts particularly the inordinate delay in lodging F.I.R. and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-(Rupees Ten Thousand Only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Sessions Judge, Birbhum at Ramurhat, subject to the condition that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.

In the event, the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel the bail of the petitioner in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)