

05.09.2022.
26.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2988 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Kotwali P. S. Case No.145 of 2022 dated 10.03.2022 under Sections 417/376/506/34 of the Indian Penal Code.

In the matter of : Susanta Puila.

.... Petitioner.

Mr. Navanil De,
Mr. Rajeshwar Chakraborty,
Mr. S. Ghosh,
Mr. Subhrajit Dey,
Ms. Sruti Dey.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Ms. Mausumi Sarkar.

...for the State.

Petitioner is in custody for 165 days. He submits victim was a major lady with a spouse living at the time of cohabitation. Allegation for forcible rape is an out and out false. He prays for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner had introduced himself as a bank employee and forcibly raped the victim. Thereafter, he blackmailed her by threatening to release video clip of the incident.

We have considered the materials on record. No objectionable video clip with regard to the incident was seized in course of investigation. Victim alleged she had been forcibly ravished. However, no contemporaneous complaint was lodged by her. On the other hand, she continued the relationship and

is said to have become pregnant. She was a major and married to another man at the time of the incident.

In view of the aforesaid facts whether the victim had been forcibly ravished requires to be assessed during trial. Keeping in mind the aforesaid facts and circumstances of the case, period of detention suffered by the petitioner and as investigation is complete, we are inclined to enlarge the petitioner on bail.

Accordingly, the petitioner shall 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 Chief Judicial Magistrate, Paschim Midnapore subject to condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses 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 his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)

