

20.09.2022
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allowed

CRM(DB) No. 3180 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 188 dated 10.07.2022 under Section 376(2)(n) of the Indian Penal Code.

And

In Re : Dipak Pal @ Dipak Paul petitioner

Mr. Niladri Sekhar Ghosh

Ms. Srimoyee Mukherjee

Ms. Sompurna Chatterjee

Mr. Sourav Mondal

.....for the petitioner

Ms. Anasuya Sinha

..... for the State

Learned Counsel for the petitioner submits he is in custody for two months. It is also submitted that the victim is a major lady. It is further submitted that allegation of forcible rape and blackmail are out and out false. He prays for bail.

Learned Counsel appearing for the State opposes prayer for bail and submits petitioner had been forcible raped. Her objectionable pictures were taken and she was blackmailed. Hence, there was delay in lodging F.I.R..

We have considered materials on record. Victim was a major lady at the time of the incident. There is considerable delay in lodging F.I.R. Plea of blackmail by showing objectionable pictures is not supported by production of any such photograph of the victim before us. No evidence to forcible miscarriage is also placed on record.

Under such circumstances and in view of period of detention suffered by the petitioner, we are inclined in granting bail to him.

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 Chief Judicial Magistrate, Arambagh, on condition that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and he shall appear before the trial court on every date of hearing.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)