

02.02.2023
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allowed

CRM(DB) No. 403 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Goghat Police Station Case No. 330 of 2022 dated 02.12.2022 under Sections 376(2)(n)/323/506/504/34 of the Indian Penal Code.

And

In Re : Partha Ghosh petitioner

Mr. Suman Chakraborty

.....for the petitioner

Ms. Faria Hossain

Mr. Anand Keshari

..... for the State

Learned Counsel for the petitioner submits there was an immoral relationship between the parties. It has been falsely alleged that he had forced the victim to sexual intercourse. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record. Allegations of forcible rape and/or intimidation requires to be assessed in the light of the submission that the victim is the wife of the cousin of the petitioner. There is delay in lodging F.I.R. Under such circumstances, 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/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Arambagh, Hooghly, subject to condition that petitioner shall appear before the trial court on every date of hearing until further

orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

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

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)