

10.02.2023
Sl. No.49
akd
[ALLOWED]

C. R. M. (DB) 573 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.02.2023 in connection with Keshpur Police Station Case No.316 of 2022 dated 26.11.2022 under Sections 498A/323/325/376/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

And

In Re: **Debashis Rana @ Bapi**

... .. Petitioner

Mr. Soumyajit Das Mahapatra
Ms. Madhurai Sinha

... .. for the petitioner

Mr. Tanmoy Kr. Ghosh
Mr. Arindam Sen

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 53 days. It is further submitted allegation of rape is out and out false. There is delay in lodging FIR.

Learned Advocate for the State opposes the prayer for bail and submits that the victim-housewife was subjected to torture by the petitioner-husband.

We have considered the materials on record. It is alleged that the petitioner-husband and other in-laws threatened to subject the victim to rape. Subsequently, on 10.07.2022 she was raped by an unknown person but FIR came to be registered only in November, 2022. Reason for delay requires to be assessed in the backdrop of attending circumstances during trial. In view of the aforesaid facts and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Debashis Rana @ Bapi**, 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 Chief Judicial Magistrate, Paschim Medinipur subject to condition that the said 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 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 for bail, thus, stands **allowed**.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)