

30.03.2023

tkm/ct 28

sl no. 52

C.R.M. (DB) 1242 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Rabindra Nagar PS case no. 278 of 2022 under sections 498A/323/307/406/506/34/376 of the IPC and section 4 of the DP Act

And

Allowed

In Re : Sudharsan Patra @ Sudarshan

..... petitioner

Mr. Jewel Chanda

Ms. S Das

Mr. S Basu

..... for the petitioners

Mr. S G Mukherjee, Id PP

Mr. Aniket Mitra

..... for the State

Petitioner is the father in law of the victim housewife. He submits there is inordinate delay in lodging FIR. He has been falsely implicated due to matrimonial dispute.

Learned lawyer for the State opposes the bail prayer.

We have considered the materials on record. It is alleged on 5.9.2022 petitioner had committed rape. But in the statement of the victim recorded under section 164 Cr.P.C there is no clarity with regard the date of alleged rape. The victim also gave a different date before the medical officer. Credibility of the allegation of rape has to be assessed in the light of the aforesaid circumstances during trial.

Keeping in mind the aforesaid facts, period of detention suffered by the petitioner i.e 152 days and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, South 24 Parganas at Alipore on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 1242 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)