

03.04.2023
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allowed

CRM(DB) No. 1289 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Golabari Police Station Case No. 452 of 2022 dated 02.12.2022 under Sections 498A/406/376/506/34 of the Indian Penal Code.

And

In Re : Chotelal Gupta alias Chhotelal Gupta petitioner

Mr. Angshuman Chakraborty

Mr. Monojit Chatterjee

....for the petitioner

Mr. S. G. Mukherji, learned P.P.

Ms. Faria Hosain

Mr. Anand Keshari

.... for the State

Mr. Ranjit Singh

..... for defacto complainant

Learned Counsel for the petitioner submits he is the father-in-law of the housewife. There was a matrimonial dispute. Out of grudge he has been falsely implicated. There is delay in lodging F.I.R. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

Learned Counsel for the defacto complainant also opposes the prayer for bail.

We have considered the materials on record. There was matrimonial dispute between the defacto complainant and her husband. Petitioner is the father-in-law of the housewife. It is alleged he violated the housewife. There is delay in lodging F.I.R. Credibility of the allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial. Balancing the nature of accusation with the period of detention suffered by the

petitioner i.e. 99 days and as investigation is complete, 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 Chief Judicial Magistrate, Howrah, subject to conditions 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.)