

21.04.2023.
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Ct.No.28
as
(Allowed)

C.R.M. (DB) 1606 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Serampore P. S. Case No.92 of 2023 dated 04.03.2023 under Sections 498A/406/354B/376/120B/323/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act.

In the matter of : Tamal Guha Neogi & Anr.

.... Petitioners.

Mr. Partha Pratim Das,
Mr. Amanul Islam,
Mr. Sourav Mukherjee.

...for the Petitioners.

Mr. Tanmoy Kr. Ghosh, ld. SGA,
Mr. Arindam Sen.

...for the State.

Petitioners are in custody for 41 days. There is delay in lodging the first information report. They pray for bail.

Learned Advocate for the State opposes the prayer for bail. He submits petitioner No.2 attempted to ravish the victim housewife.

We have considered the materials on record. Allegation of attempt to rape requires to be assessed in the light of delay in lodging first information report. There is a matrimonial dispute between the parties. Possibility of exaggeration or false implication cannot be ruled out.

Under such circumstances and in view of the period of detention suffered by the petitioners, we are inclined to grant bail to the petitioners.

Accordingly, the petitioners viz., Tamal Guha Neogi and Rakesh Roy shall be released on bail upon furnishing a bond of

Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Serampore, Hooghly subject to condition that they 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 the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)