

11.05.2023

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Allowed

C.R.M. (DB) No. 1873 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala Police Station Case No. 173 of 2023 dated 07.03.2023 under Sections 376/325/506 of the Indian Penal Code.

And

In Re : Utpal Ghosh petitioner

Ms. Sananda Bhattacharyya

.....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

....for the State

Learned Counsel for the petitioner submits petitioner is the brother-in-law of the victim lady. It is also submitted that the allegation of forcible rape is patently absurd. He prays for bail.

Learned Counsel for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. In her statement victim admitted the petitioner had been indulging in such behaviour for two and half years. It is difficult to imagine that the victim keep quiet for such a long time. Keeping in mind the aforesaid circumstances, we are inclined to grant bail to the petitioner, however, subject to conditions.

Accordingly we direct that the petitioner shall 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia, on conditions that he shall not intimidate the witnesses or tamper with evidence in any manner whatsoever and shall appear before the trial court on every date of hearing and on further conditions that the petitioner shall not enter the jurisdiction of Dhantala Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the said officer-in-charge as well as court below and shall report to the concerned officer-in-charge once in a week until further orders.

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 without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)