

03.07.2023.
39.
Ct.No.28
as
(Allowed)

C.R.M. (DB) 2344 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Dhantala P. S. Case No.236 of 2023 dated 04.04.2023 under Sections 376/506/34 of the Indian Penal Code.

In the matter of : Tarak Ghosh.

.... Petitioner.

Mr. Sourav Chatterjee,
Mr. Prosejjit Nag,
Mr. Aditya Tiwari,
Ms. Namrata Chatterjee.

...for the Petitioner.

Mr. Swapan Banerjee,
Mr. Suman De.

...for the State.

Mr. Souvik Mitter,
Mr. Pritam Roy.

...for the de-facto complainant.

Petitioner submits he is a victim of political rivalry. In a span of two months, a large number of cases including the present one were slapped on him. Allegation of forcible rape is patently absurd. There is inexplicable delay in lodging the first information report. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits petitioner has criminal antecedents.

Learned Advocate for the de-facto complainant also opposes the bail prayer.

We have considered the materials on record including the statement of the victim lady. Victim lady claimed that she

had accompanied the petitioner as he had promised to give employment to her. Thereafter, he committed rape. Though the incident occurred in February, 2023, case was registered after two months. Credibility of allegation of forcible rape requires to be assessed in the light of inordinate delay during trial. Possibility of false implication due to alleged political differences cannot be wholly ruled out.

Under such circumstances, we are inclined to grant bail to the petitioner subject to strict conditions.

Accordingly, the petitioner viz., Tarak Ghosh 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 Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that he 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 and on further condition that the petitioner while on bail shall not enter the District of Birbhum except for the purpose court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any 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, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)