

18.07.2023
tkm/ct 28
sl no.82

C.R.M. (DB) 2497 of 2022

In Re : An application under section 439(2) of the Code of Criminal Procedure

And

In Re : Arshi Khanam petitioner

Md. Abdur Rakib
Mrs. Gitika Aarwal

..... for the petitioner

Md. Prasun Datta
Mr. S Deb Roy

..... for the State

Mr. Riju Ghosh
Ms. Ipsita Ghosh

..... for OP no. 2

Order dated 28.4.2022 granting bail to opposite party no. 2 has been assailed.

We have considered the impugned order. The order records victim was a major lady and was aware of the consequences of cohabitation. Petitioner has been discharged from the allegation of rape.

In view of the well-reasoned order passed by the court below we do not find any reason to interfere with the said order. Allegations of threat upon the petitioner are also vague and non-specific. Hence, we do not wish to cancel the bail on this score too.

In the event threats are held out to the petitioner in future, it shall be open to her to bring this fact to the notice of the court below and seek appropriate redress in accordance with law.

With this observation, application for cancellation of bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)