

19.07.2023
tkm/ct 28
sl no.67

C.R.M. (DB) 2864 of 2023

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

And

In Re : Papiya Madhu

..... petitioner

Mr. Supratik Basu
Ms. Samata Charri
Ms. Bratati Pramanick

..... for the petitioner

Ms. Z N Khan
Md. Kutubuddin

..... for the State

Petitioner submits that the victim had been blackmailed by using her obscene pictures. Trial court did not consider such fact and enlarged opposite party no. 2 on bail. Opposite party is misusing the liberty.

We have considered the materials on record. Allegations in the FIR show petitioner and opposite party no.2 are known each other for two years prior to registration of FIR. It is alleged that the opposite party no. 2 had administered intoxicated drink and raped the victim. No contemporaneous complaint was filed. Allegation that the victim was subjected to blackmail by taking obscene pictures is not supported by materials collected during investigation. Opposite party no. 2 was in jail and investigation is complete.

Considering the aforesaid facts bail was granted to him. We are of the view that bail granted to opposite party no. 2 does not call for interference on merits.

With regard to allegation that opposite party no. 2 is misusing his liberty and threatening the petitioner liberty is given to the petitioner to agitate such issue before the learned Sessions Judge who granted bail.

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

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)