

25.09.2023
Sl. No.19
akd
[ALLOWED]

C. R. M. (DB) 3695 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 18.09.2023 in connection with Duttapukur Police Station Case No.481 of 2023 dated 04.05.2023 under Sections 420/376/34 of the Indian Penal Code. (G.R. Case No.1011 of 2023)

And

In Re: ***Arpan Kumar Parai @ Arpan Parai @ Parui***

... .. Petitioner

Mr. Amit Ranjan Pati
Md. Jawwad

... .. for the petitioner

Mr. Sobhendu Sekhar Roy
Mr. Amarendra Chakraborty

... .. for the de-facto complainant

Mr. Ranabir Roy Chowdhury
Mr. Mainak Gupta

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 95 days. It is further submitted allegation of rape by administering stupefying substance is inherently improbable. There was no promise of giving employment to the children of the de-facto complainant. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner had made false promise to give employment and taken Rs.23 lakhs. Victim had been given a cold drink and thereafter she fell unconscious. Then she was raped.
3. Learned Advocate for the de-facto complainant also opposes the prayer for bail and submits petitioner had cheated and raped her.
4. We have considered the materials on record. Victim is a major lady with children. She interacted with the petitioner on social media and a close relationship developed. Allegation of administering cold drink

with stupefying substance resulting in unconsciousness and rape requires to be assessed in the light of the attending circumstances during trial. No contemporaneous complaint had been lodged. It is alleged money was transferred to the petitioner on his assurance of giving employment. This aspect of the matter also requires deliberation against the backdrop of close relationship between the parties and the possibility of transfer of funds on other counts. There is delay of six months in lodging FIR from the last monetary transfer made to the account of the petitioner.

5. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
6. Therefore, the accused/petitioner, namely **Arpan Kumar Parai @ Arpan Parai @ Parui**, 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 Chief Judicial Magistrate, North 24-Parganas at Barasat subject to condition that the said petitioner 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.
7. 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 automatically without reference to this court.
8. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)

