

18.10.2023
Sl. No.31
akd
[ALLOWED]

C. R. M. (DB) 4042 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 05.10.2023 in connection with Moyna Police Station Case No.315 of 2023 dated 17.09.2023 under Sections 376/417 of the Indian Penal Code. (G.R. Case No.3163 of 2023)

And

In Re: ***Tapas Karan***

... .. Petitioner

Mr. Amal Krishna Samanta

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor

Mr. Santanu Chatterjee

... .. for the State

1. Pursuant to our earlier direction, Investigating Officer is personally present before this court. His presence is noted and dispensed with.
2. It is submitted on behalf of the petitioner that he is in custody for about a month. It is further submitted there was an amorous relationship between the parties for a considerable period of time. Subsequently, the relationship soured. Petitioner has been falsely implicated. Accordingly, he prays for bail.
3. Learned Advocate for the State opposes the prayer for bail.
4. We have considered the materials on record including the statement of the victim lady. She is a married lady and alleged she had been forcibly ravished. No contemporaneous complaint was lodged and she continued her association with the petitioner. Allegation of forcible rape requires to be assessed in the light of the aforesaid circumstances during trial. Bearing in mind the aforesaid fact and the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

5. Therefore, the accused/petitioner, namely ***Tapas Karan***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Purba Medinipur 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.
6. 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.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)