

01.05.2024
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allowed

CRM (DB) No. 1357 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Sankrail Police Station Case No. 885 of 2023 dated 18.11.2023 under Sections 498A/376/114 of the Indian Penal Code and under Sections 3/4 of the D.P. Act.

And

In Re : Dibyendu Ghosh @ Jeet petitioner

Mr. Soumyajit Das Mahapatra
Mr. Soumya Basu Roy Chowdhury
....for the petitioner

Mr. Sujan Chatterjee
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 165 days. He further submits a tantrik had committed rape on his wife. He has been falsely implicated. Accordingly, he prays for bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioner had compelled his wife to cohabit with the tantrik.

3. We have considered the materials on record. Petitioner and his family members had faith on the tantrik. The tantrik committed rape on the victim lady. Whether the petitioner had intentionally aided and abetted the act or was under the spell of the tantrik and through misconception tacitly supported the act requires to be assessed during trial. Petitioner is not the principal

accused. Investigation is complete. Accordingly, we are inclined to grant bail to the petitioner.

4. Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Howrah, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)