

08.01.2024.
63.
Ct.No.28
as

C.R.M. (DB) 4682 of 2023

In Re:- An application for cancellation of bail under Section 439(2) of the Code of Criminal Procedure.

In Re : **Victim Girl.**

... Petitioner.

Mr. Sukanta Chakraborty,
Mr. Anindya Halder,
Mr. R. Saha.

....for the Petitioner.

1. Order dated 24.11.2023 granting bail to opposite party No.2 has been assailed.
2. Learned Advocate for the petitioner contends opposite party No.2 had cohabited with his client on the false promise of marriage. As a result, she became pregnant and the pregnancy was terminated.
3. We have considered the materials on record. We have also examined the impugned order. Petitioner was a major lady. She was aware of the consequences of cohabitation. Allegation of rape requires to be assessed in light of the aforesaid circumstances. Petitioner had been admitted to hospital for termination of pregnancy. She did not raise any hue and cry at that material point of time. This suggests a case of voluntary termination of pregnancy. Taking into consideration these facts, opposite party No.2 has been enlarged on bail.
4. We are of the view order granting bail cannot be said to be illegal or perverse. It is also contended opposite party No.2

is misusing his liberty. It is open to the petitioner to agitate such issue before the Court which had granted bail, if so advised.

5. With this observation, application is disposed of.

(Gaurang Kanth,J.)

(Joymalya Bagchi, J.)