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CRM 9042 of 2020

(Via Video Conference)

In the matter of an application for **bail** under Section **439** of the Code of Criminal Procedure, **1973** in connection with Malda Police Station Case No. 507 of 2020 dated September 15, 2020 under Section 376/323/506 of the Indian Penal Code in connection with G.R. Case No.3991 of 2020.

And

In Re : **Kasim Sk @ Sanjoy Sk.**
...for the petitioner

Mr. Avik Ghatak,
Mr. Salman Hassan
...for petitioner

Mr. Saibal Bapuli, Ld. A.P.P.
Mr. Aniket Mitra
...for State

Petitioner has applied for bail in connection with Malda Police Station Case no. 507 of 2020 dated September 15, 2020 under sections 376/323/506 of the Indian Penal Code, 1860.

Mr. Ghatak, learned advocate appears on behalf of petitioner and submits, his client has been in custody for more than 56 days. The complainant was in a relationship with his client. Since after police custody and while he has been

in judicial custody, the police have not once questioned him. There is no necessity to continue to keep him behind the bar and he should be enlarged on bail.

Mr. Mitra, learned advocate appears on behalf of State and hands up Case Diary to draw attention to the statement of complainant made under section 164 Cr.P.C. He submits, this is sufficient material to deny bail to petitioner.

We have perused the Case Diary and particularly said statement. It appears therefrom that immediate cause for complaint was petitioner having slapped complainant in presence of her sister-in-law, threatening her to continue to allow him. Mr. Mitra has not been able to dispute the submission regarding omission of the police to carry on investigation while petitioner has been in judicial custody.

In the circumstances, we think fit to grant bail.

Accordingly, petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount, one of whom must be a local surety subject to the satisfaction of the learned Chief Judicial Magistrate, Malda, on condition that

during bail he shall appear before the learned trial court on all future dates till the disposal of the trial and he shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event petitioner fails to comply with the conditions,, it will be open to the trial Court to cancel the bail without any further reference to this Court.

The application being C.R.M.9042 of 2020 is, thus, disposed of.

(Arindam Sinha, J.)

(Md. Nizamuddin, J.)