

15.12.2020
tkm
sl no. 66

**C.R.M. 10416 of 2020
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliachak P.S. Case No. 399 of 2020 dated 25.6.2020 under Sections 417/376 of the Indian Penal Code
And

Allowed

In Re : Md. Habil Sk alias Habul Sk petitioner

Mr. K K Mukherjee

..... for the petitioner

Mr. T K Ghosh

Mr. Arindam Sen

..... for the State

It is submitted on behalf of the petitioner that there was free mixing for a protracted period of time and the lady was aware of his marital status. He is in custody for 163 days.

Learned lawyer for the State opposes the prayer for bail and submits that the petitioner suppressed his marital status and cohabited with the victim.

Whether the victim was aware of the marital status of the petitioner or not may be assessed in the light of the submission that there was free mixing between the parties for a long period of time.

Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Malda on condition that the 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.

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.

The application being CRM 10416 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)