

19.03.2021

Item No.70

Ct.No.28

dc.

Partly Allowed

C.R.M. 910 of 2021

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure filed in connection with Taherpur P.S. Case No. 156 of 2020 dated 28.09.2020 under Sections 498A/307/326A/34 of the Indian Penal Code.

And

In Re : **Nayan Adikary & Anr.**

... Petitioners.

Mr. Tapan Dutta Gupta,
Mr. Sayantan Hazra,
Mr. Parvez Anam

... For the Petitioners.

Ms. Sukanya Bhattacharya,
Mr. Nirupam Dhali

... For the State.

This is an application for bail in connection with Taherpur P.S. Case No. 156 of 2020 dated 28.09.2020 under Sections 498A/307/326A/34 of the Indian Penal Code at the behest of the petitioners.

The husband and the maternal uncle-in-law of the victim have jointly filed the instant application for bail on the premise that they are languishing in jail for about 170 days. A point has been taken by the learned advocate for the petitioners that the seizure list does not disclose any container filled with acid and the petitioners have been falsely implicated in connection with the aforementioned case.

This is a case of acid attack and fortunately the victim survived. Medical report also suggests the acid having poured on her body and she was treated in the hospital. In a statement recorded under Section 164 of the Code of Criminal Procedure, she has disclosed the incident and we find that there is *prima facie* materials against the petitioner no.1 i.e. the husband of the victim girl. In view of the above, we **reject** the prayer for bail so far as the petitioner no.1, namely, **Nayan Adikary** is concerned.

So far as the petitioner no.2 is concerned, the complicity has not been *prima facie* proved. As such, prayer for bail of the petitioner no.2 is allowed.

Accordingly, we direct that the petitioner no.2, namely, **Rabindranath Adhikary** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the condition that the petitioner no.2 shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner no.2, while on bail, shall not leave the jurisdiction of Taherpur Police Station, except for the purpose of attending the court proceedings and shall meet with the

Officer-in-Charge of Taherpur Police Station once a week until further orders.

In the event the petitioner no.2 fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without reference to this Court.

The application for bail, being CRM 910 of 2021, is, thus, disposed of.

(Harish Tandon, J.)

(Tirthankar Ghosh, J.)