

26.07.2021
tkm/ct 32
sl no. 19

**C.R.M. 3393 of 2021
(via video conference)**

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Malda P.S Case no. 675 of 2019 dated 23.10.2019 under sections 376 D/323 of the IPC
And

Allowed

In Re : Ashok Kumar Saha @ Dyani & Anr. petitioners

Mr. S Purkayastha
..... for the petitioners
Ms. Z N Khan
Ms. Sreeparna Das
..... for the State

It is submitted on behalf of the petitioners that the petitioner no. 1 is in custody for 638 days and the petitioner no. 2 is in custody for 637 days. It is further submitted that trial has commenced and the victim lady has been examined. She has not implicated the present petitioners in her evidence. There is no necessity for further detention of the petitioners.

Learned lawyer for the State opposes the prayer for bail and refers to the case diary including the statements of the victim and other witnesses under section 164 Cr.P.C.

We have considered the material on record. Regard being had to the evidence of the victim lady before the learned trial court as well as other material on record and also since trial has progressed to a considerable extent, we are of the opinion that further detention of the petitioners may not be necessary and they may be granted bail.

Accordingly, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- each 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 petitioners shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and shall not commit similar offence in future. They shall report to the Officer-in-Charge of the local police station once every fortnight.

In the event they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail without reference to this court.

The application being CRM 3393 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)