

37 02.05.2022
AD Ct. No.29
(Allowed)

C.R.M. (DB) 1098 of 2022

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Palashipara** P.S. Case No.**227 of 2020** dated **25/08/2020** under Sections **341/376/370/34** of the Indian Penal Code.

And

In the matter of: Atai Mollick @ Atarul Mollick & Anr.

....petitioners.

Mr. Kallol Mondal

Mr. Asraf Mandal

...for the petitioners.

Mr. Rudradipta Nandy

...for the State.

Leave granted to the learned Advocate-on-record of the petitioners to correct the cause-title.

Petitioners renew the prayer for bail.

Learned Advocate appearing for the petitioners submits that the victim girl recorded her evidence at the trial. He refers to such evidence. He submits that the victim girl stated that there was a love relationship between her and the petitioner no.2. In her cross-examination, she stated that out of emotional breakdown and anger, she lodged the police case against the accused persons.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim girl under Section 164 of the Code of Criminal Procedure.

Considering the period of detention of the petitioners and considering the evidence of the victim girl at the trial without pronouncing on the material aspect of such evidence or on the sufficiency thereof, we grant bail to the petitioners.

Accordingly, the petitioners be released on bail upon

furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Tehatta, Nadia, subject to the condition that during bail the petitioners shall appear before the learned trial court on every date of hearing and that the petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioners fail to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The prayer for bail of the petitioners is allowed.

The application for bail being **C.R.M. (DB) 1098 of 2022** is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)