

08.06.2022  
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allowed

**CRM(DB) 1391 of 2022**

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No. 43 of 2022 dated 19.01.2022 under Sections 341/326/307 of the Indian Penal Code.

And

In Re : Chadai Sk. @ Sekh ..... petitioner

Mr. Sumanta Das

.....for the petitioner

Mr. Madhusudan Sur, learned APP

Mr. Dipankar Paramanick

..... for the State

It is submitted by the learned Counsel appearing for the petitioner that the de facto complainant had tried to commit rape upon his wife. In exercise of right to private defence, petitioner had assaulted him.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner that the incident occurred in retaliation to an act of sexual assault on his wife.

In view of the aforesaid facts and the protracted period of detention suffered by the petitioner, we are inclined in granting bail to him.

Accordingly, we direct that the petitioner 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 Chief Judicial Magistrate, Krishnanagar at Nadia, subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

The application for bail is, accordingly, allowed.

**(Ananya Bandyopadhyay, J.)**

**(Joymalya Bagchi, J.)**