

14.07.2022
Sl. No.26
akd
[ALLOWED]

C. R. M. (DB) 2304 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 11.07.2022 in connection with Kandi Police Station Case No. 162 of 2022 dated 28.03.2022 under Sections 376/417/313/511/34 of the Indian Penal Code. (G.R. Case No.504 of 2022)

And

In Re: **Airuddin Sk.**

... .. Petitioner

Mr. Abdur Rakib
Mr. Faijur Rahaman

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 44 days. It is further submitted victim was a major lady and cohabited out of her own volition. Allegation of attempt to forcibly abort the child is out and out false.

Learned Additional Public Prosecutor opposes the prayer for bail and submits victim is pregnant.

We have considered the materials on record. Victim lady was major at the time of cohabitation and was aware of the consequences thereof. Allegation of attempting to abort the child is not supported by independent evidence. Keeping in mind the aforesaid facts and period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Airuddin Sk.**, 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, Kandi, Murshidabad subject to condition that the said 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 for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)