

26.07.2022
SI. No.33
akd
[ALLOWED]

C. R. M. (DB) 2458 of 2022

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 19.07.2022 in connection with Dhantala Police Station Case No. 544 of 2021 dated 26.11.2021 under Section 376D of the Indian Penal Code.

And

In Re: ***Bibekananda @ Bibek Mallick & Anr.***

... .. Petitioners

Ms. Sananda Bhattacharyya

... .. for the petitioners

Ms. Faria Hossain

Ms. Mamata Jana

... .. for the State

It is submitted on behalf of the petitioners they are in custody for about 45 days. It is further submitted petitioners were not identified in course of Test Identification Parade. Co-accused has been enlarged on bail.

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

We have considered the materials on record. Petitioners were not identified in course of Test Identification Parade. Co-accused similarly circumstanced with the petitioner has been enlarged on bail. Under such circumstances, we are of the opinion further detention of the accused/petitioners is not necessary.

Therefore, the accused/petitioners, namely ***(1) Bibekananda @ Bibek Mallick & (2) Soiraj Sarkar @ Sairaj Sarkar***, 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, Ranaghat, Nadia subject to condition that the said petitioners 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 they fail to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel their bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)