

16.11.2022.
31.
as
(Allowed)

C.R.M. (DB) 3995 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Baishnabnagar P. S. Case No.704 of 2021 dated 08.12.2021 under Sections 417/376/325/34 of the Indian Penal Code.

In the matter of : Basir Sk. @ Bashir Sk.

.... Petitioner.

Mrs. Minoti Gomes,
Mr. Kausik Biswas.

...for the Petitioner.

Mr. Debabrata Chatterjee, Id. A.P.P.,
Mr. Santanu Chatterjee.

...for the State.

Petitioner renews his prayer for bail. It is submitted there was a love affair between the parties. There is no progress in the matter since rejection of bail of the petitioner by this Court.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Statement of the victim recorded under Section 164 of the Code of Criminal Procedure discloses prior intimacy between the parties. There is no progress in the matter since rejection of bail of the petitioner by this Court.

Under such circumstances, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of

the learned Chief Judicial Magistrate, Malda subject to condition he they 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 the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)