

21.11.2022  
Sl. No.37  
akd  
[ALLOWED]

**C. R. M. (DB) 4049 of 2022**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 10.11.2022 in connection with Kaliachak Police Station Case No. 184 of 2022 dated 17.02.2022 under Sections 376/34 of the Indian Penal Code.

And

In Re: ***Bubai Mandal***

... .. Petitioner

Mr. Tapan Dutta Gupta  
Mr. Parvej Anam

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor  
Ms. Mousumi Sarkar

... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that the victim has not supported the prosecution case.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have examined the evidence of the victim and her relations as PWs.1, 2 & 3. They have not supported the prosecution case. Under such circumstances, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Bubai Mandal***, 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, Malda 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**.

**(Ajay Kumar Gupta, J.)**

**(Joymalya Bagchi, J.)**