

06.01.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 23 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.01.2023 in connection with Nakashipara Police Station Case No.516 of 2017 dated 28.08.2017 under Sections 363/376/365/34 of the Indian Penal Code.

And

In Re: **Keder Sk. @ Kheder Ali Sk.**

... .. Petitioner

Md. Sabir Ahmed
Md. Abdur Rakib

... .. for the petitioner

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

... .. for the State

Leave is granted to the learned advocate-on-record for the petitioner to correct the cause title in course of this day.

It is submitted on behalf of the petitioner that he is in custody for about 131 days. It is further submitted victim lady voluntarily left with the petitioner.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of abduction and rape requires to be assessed in the light of the aforesaid submission during trial. Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Keder Sk. @ Kheder Ali 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 Chief Judicial Magistrate, Nadia at Krishnanagar 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**.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)