

07.02.2023
Sl. No.40
akd
[ALLOWED]

C. R. M. (DB) 486 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 21.12.2022 in connection with Pursurah Police Station Case No.118 of 2022 dated 22.07.2022 under Sections 448/376/506 of the Indian Penal Code.

And

In Re: **Meghnath @ Meghanath Malik**
... .. Petitioner

Mr. Tanmoy Chowdhury
Ms. Ritoprita Ghosh
... .. for the petitioner

Mr. Prasun Kr. Datta .. Id. Addl. Public Prosecutor
Mr. Santanu Deb Roy
... .. for the State

Petitioner renews his prayer for bail. It is submitted on behalf of the petitioner that he is in custody for about 200 days.

Learned Additional Public Prosecutor opposes the prayer for bail.

We have considered the materials on record. Allegation of forcible rape requires to be assessed during trial. Balancing the nature of accusation with the period of detention suffered by the petitioner and as there is no appreciable progress in the matter since the rejection of bail on the earlier occasion, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Meghnath @ Meghanath Malik**, 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, Arambagh, Hooghly 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.)