

08.02.2023
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allowed

CRM(DB) No. 526 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bankura Women Police Station Case No. 133 of 2022 dated 04.11.2022 under Sections 498A/325/313/506/34 of the Indian Penal Code.

And

In Re : Pradip Malakar petitioner

Mr. Debabrata Chatterjee

Mr. Santanu Chatterjee

Ms. Mausumi Sarkar

.....for the petitioner

Mr. Soumik Ganguli

Mr. Supriyo Shasmal

..... for the State

Learned Counsel for the petitioner submits he is in custody for 94 days. Investigation is complete. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits victim was assaulted and suffered abortion.

We have considered the materials on record including the medical papers. In the medical papers it is noted that the victim had to undergo abortion due to a fall to the ground. Under such circumstances and in view of period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, we direct that 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, Bankura, subject to condition that petitioner shall appear before the trial

court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the trial court without 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, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)