

10.02.2023  
Sl. No.50  
akd  
[ALLOWED]

**C. R. M. (DB) 574 of 2023**

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 06.02.2023 in connection with Chinsurah Police Station Case No.209 of 2021 dated 10.05.2021 under Sections 417/376 of the Indian Penal Code. (G.R. Case No.995 of 2021)

And

In Re: **Rakesh Kumar Mallick**

... .. Petitioner

Mr. Sayan Chattopadhyay  
Mr. Rokon Ali Molla

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Id. Public Prosecutor  
Mr. Aniket Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 70 days. It is further submitted victim was major at the time of the incident. Investigation is complete.

Learned Advocate for the State opposes the prayer for bail and submits petitioner suppressed his marital status and cohabited with the victim.

We have considered the materials on record. There was free mixing between the parties. Whether the victim was aware of the marital status of the petitioner requires to be assessed in the light of the aforesaid circumstances during trial. Investigation is complete. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Rakesh Kumar Mallick**, 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, 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.)**