

29.03.2023
tkm/ct 28
sl no. 50

C.R.M. (DB) 1210 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Baishnabnagar PS case no. 278 of 2022 dated 1.4.2022 under sections 417/376/323/109/34 of the IPC

And

Allowed

In Re : Dalim Mia @ Dalim Sk

..... petitioner

Mr. A Karmakar
Mr. A K Bhowmick

..... for the petitioner

Mr. Debabrata Chateterjee
Mr. Santanu Chatterjee

..... for the State

Petitioner is in custody for four months. He submits victim lady was major at the time of cohabitation. He prays for bail.

Learned lawyer for the State opposes the bail prayer. He submits victim had become pregnant.

We have considered the materials on record. Victim was major at the time of cohabitation.

Keeping in mind the aforesaid fact and the period of detention suffered by the petitioner, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner 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 CJM, Malda on condition that the petitioner shall appear before the trial court on every date of hearing 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 being CRM (DB) 1210 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)