

20.04.2023
Sl. No.39
akd
[ALLOWED]

C. R. M. (DB) 1588 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.04.2023 in connection with Malda Police Station Case No.527 of 2021 dated 26.10.2021 under Sections 448/325/354B/326A/307/427/384/379/34 of the Indian Penal Code. (G.R. Case No.5972 of 2021)

And

In Re: ***Rakhi Sarkar @ Rakhi (Mandal) Sarkar***

... .. Petitioner

Mr. Tapan Dutta Gupta
Mr. Parvej Anam

... .. for the petitioner

Mr. Binay Panda
Mrs. Puspita Saha

... .. for the State

It is submitted on behalf of the petitioner that she is in custody for about 70 days. Allegation of pouring carbolic acid into the mouth of the victim is out and out false.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Allegation of pouring carbolic acid into the mouth of the victim as stated in the FIR is not supported by statements of witnesses. 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 ***Rakhi Sarkar @ Rakhi (Mandal) Sarkar***, 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, Malda 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 she fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel her bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)