

D/L4
03.07.2023
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C.R.M. (SB) 125 of 2023

In Re: An application under Section 439 of the Code of Criminal Procedure, 1973 filed in connection Habibpur Police Station Case No.167 of 2023 dated 16.05.2023 under Sections 448/341/354A/354 of the Indian Penal Code, 1860 read with Section 8/12 of Protection of Children from Sexual Offences Act, 2012;

Krishna Mallik
Versus
The State of West Bengal

Mr. Saikat Mondal
Ms. Mounick Ghosh.
...for the petitioner.

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee
Ms. Moushumi Sarkar.
...for the State.

Report submitted by the Investigating Officer of the case reflects that that the Investigating Agency has prayed for time for completing the investigation. In fact, the birth certificate of the victim till date has not been collected. 46 days have expired since the arrest of the present petitioner.

Let the report be kept with the record.

I have considered the nature of the allegations and I am of the view that the manner in which the police authorities are carrying out the investigation do not warrant further detention of the petitioner in the present case. As such, I am inclined to release the petitioner on bail.

Accordingly, the petitioner namely, Krishna Mallik shall be released on bail upon furnishing 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 Special Court, Malda.

If on bail, the petitioner shall stay outside the jurisdiction of Habibpur Police Station and will enter the jurisdiction only for the purposes of meeting the Investigating Officer once a week till further orders of this Court.

With the aforesaid observations, CRM (SB) 125 of 2023 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)