

13.10.2023.
17.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 3783 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Krishnanagar Women P.S. Case No.72 of 2023 dated 24.07.2023 under Sections 498A/323/325/376(2)(n)/313/406/506/34 of the Indian Penal Code and under Sections 3/4 of the Dowry Prohibition Act.

In the matter of : **Rahidul Mallick @ Ranjit Mallick & Anr.**
.... Petitioners.

Mr. Kusal Kr. Mukherjee,
Ms. Eshita Aich.

...for the Petitioners.

Mr. Joydeep Roy, Jr. Govt. Adv.
Ms. Sujata Das.

...for the State.

Mr. Suman Chakraborty.

....for the de-facto complainant.

1. Petitioners submit they are in custody for 79 days. They are the husband and father-in-law of the victim lady respectively. Investigation is complete. They pray for bail.
2. Learned Advocate for the State opposes the bail prayer.
3. Learned Advocate for the de-facto complainant also opposes the bail prayer.
4. We have considered the materials on record. Allegation of sexual assault is bereft of material particulars with regard to date and time. There is no medical report supporting the allegation of miscarriage. Investigation is complete.
5. Under such circumstances and as there is no chance of abscondence, petitioners are enlarged on bail.

6. Accordingly, the petitioners viz, **1) Rahidul Mallick @ Ranjit Mallick** and **2) Golap Mallick @ Golam Mallick** shall be released on bail upon furnishing a bond of Rs.10,000/-each with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Krishnagar, Nadia subject to condition that they 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.

7. In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

8. This application for bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)