

09.10.2023
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allowed

CRM(DB) No. 3881 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Bharatpur Police Station Case No. 73 of 2023 dated 09.03.2023 under Sections 498A/323/325/307/354/313/34 of the Indian Penal Code.

And
In Re : Md. Iqbal Hasan Molla @ Sahil petitioner

Mr. Sekhar Kumar Basu, Sr. Adv.
Mr. Antarikhya Basu
Mr. Diptangshu Basu
....for the petitioner

Mr. Debabrata Chatterjee, learned APP
Mr. Santanu Chatterjee
.... for the State

1. Learned Counsel for the petitioner submits he is in custody for 118 days. There is no development in the matter since rejection of bail by this Court. He prays for bail.

2. Learned Counsel for the State opposes the prayer for bail and submits victim lady was assaulted. As a result she suffered miscarriage.

3. We have considered the materials on record. There is no development in the matter since rejection of bail by this Court. Case has not been committed to the court of sessions as yet. Balancing the nature of accusation with the protracted period of detention suffered by the petitioner, we are inclined to grant bail to him.

4. Accordingly, we direct that the petitioner shall 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 Chief Judicial Magistrate, Kandi, Murshidabad, subject to conditions that petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

5. In the event the petitioner fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without further reference to this Court.

6. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)