

16.10.2023
tkm/ct 28
sl no. 69

C.R.M. (DB) 4048 of 2023

In Re : An application for bail under section 439 of the Code of Criminal Procedure in connection with Kaliganj P.S case no. 566 of 2023 dated 19.8.2023 under sections 447/376/511 IPC
and

Allowed

In Re : Mikrail Sekh

... petitioner

Mr. A Ghosh
Ms. S Sarkar

..... for the petitioner

Mr. Shiladitya Banerjee

..... for the State

Mr. Arnab Sinha
Mr. Arka Ranjan Bhattacharya

..... for the de facto complainant

1. Petitioner is in custody for 23 days. It is submitted there are case and counter case. He prays for bail.
2. Learned lawyer for the State opposes the bail prayer.
3. Learned lawyer for the de facto complainant submits police authorities have not investigated the case in a proper manner. Pursuant to direction by this Court counter case was registered.
4. We have considered the materials on record including the statement of the victim. We have also examined the injury report. Though injury was minor but it is on a secondary sexual organ. Whether the injury was with the intention of causing sexual assault or an inadvertent one in the course of a skirmish may be assessed during trial. However, to avoid escalation of further violence in future and to prevent commission of similar offences, movement of the petitioner requires to be restricted.
5. Accordingly, it is directed 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 Nadia at Krishnanagar 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 and on further condition that the petitioner while on bail shall not enter into the jurisdiction of Kaliganj P.S and shall provide the address where he shall be residing to the Investigating Officer as well as the Court below and shall report to the officer-in-Charge within whose jurisdiction he shall presently reside once in a week until further orders.

6. 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.

7. The application being CRM (DB) 4048 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)