

15.01.2024.
55.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 43 of 2024

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kakdwip P.S. Case No.12 of 2022 dated 18.01.2022 under Section 376D of the Indian Penal Code.

In the matter of : **Kingkar Mondal.**

.... Petitioner.

Mr. Nilaldri Sekhar Ghosh,
Mr. Partha Sarathi Mondal.

...for the Petitioner.

Mr. Bidyut Kr. Ray,
Mr. Apurba Kr. Datta.

...for the State.

1. Petitioner submits victim has not supported the prosecution case. Accordingly, he renews his bail prayer.
2. Learned Advocate for the State opposes the bail prayer.
3. We have considered the materials on record. Victim has not supported the offence of rape. No injuries are present in the medical report. Petitioner is in custody for 23 months.
4. Under such circumstances, we are inclined to grant bail to the petitioner.
5. Accordingly, the petitioner viz., **Kingkar Mondal** 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 Additional Chief Judicial Magistrate, Kakdwip, South 24-Paraganas subject to condition that he 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.

6. In the event the petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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

(Partha Sarathi Sen, J.)

(Joymalya Bagchi, J.)