

23.06.2025

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jb.

jdt.

Allowed

C.R.M. (M) 531 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pragati Maidan Police Station Case No. 307 of 2023 dated 11.12.2023 under Sections 354/354C of the Indian Penal Code and added Section 376(2)(1) of the Indian Penal Code.

And

In Re : Ananda Mallick @ Anand Mallick

Mr. Swrajit Basu
Mr. Pronojit Roy
Mr. Ashutosh Mondal
Jasika Alam

... For the Petitioner.

Mr. Arindam Sen
Mr. S. Balial

... For the State.

Affidavit of service filed on behalf of the petitioner is taken on record.

The victim is not represented despite service.

Learned counsel for the petitioner submits that the petitioner is in custody for more than a year. He has been falsely implicated. He prays for bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record. The victim lady appears to be deaf and dumb. Though she has stated about sexual assault in her statement under Section 164 of the Code of Criminal Procedure recorded with the aid of interpreter, the medical report does not prima facie support her contention.

Considering the material on record particularly the medical report of the victim, this Court is inclined to hold that further detention of the petitioner is not required. He may be granted bail on stringent conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely Ananda Mallick @ Anand Mallick 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 Chief Judicial Magistrate, Alipore, South 24 Parganas subject to condition that he shall remain outside the jurisdiction of Pragati Maidan police station and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated hereinabove, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is disposed of.

Case diary be returned.

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

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

(Suvra Ghosh, J.)