

24.02.2025

DL-162

Court No.26

(*Bail allowed*)

(AD)

CRM (DB) 4090 of 2024

In re : An application for **Bail** under Section 439 of the Code of Criminal Procedure, 1973/ under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with S.T. No.330 of 2023 arising out of **Domjur** Police Station Case No.**648** of **2023** dated **19.04.2023** under Sections **376/511** of the Indian Penal Code, 1860.

-And-

In the matter of : Uttam Malik

... .. Petitioner

Md. Wasim Akram, Advocate
Ms. Reshmi Khatun, Advocate

...for the petitioner

Mr. Binay Kumar Panda, Advocate

...for the State

Mr. Soumya Basu Roy Chowdhuri, Advocate

... for the de facto complainant.

1. Petitioner is in custody for one year five months.
2. Trial is in progress.
3. Attention of the Court was drawn to the deposition of the victim.
4. Victim apparently is speech impaired.
5. Materials on record do not suggest that the petitioner is involved in a penetrative sexual assault.
6. Out of 11 prosecution witnesses, two were examined in full.
7. Cross-examination of one prosecution witness is continuing. One prosecution witness was examined while cross-examination thereof is pending.

8. Given the materials on record and the nature of the incident that the petitioner stands implicated in, we grant bail to the petitioner.
9. Accordingly, we direct that the petitioner, namely, ***Uttam Malik***, shall be released on bail upon furnishing a 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 Additional Sessions Judge, 5th Court, Howrah***, subject to conditions that the petitioner shall appear before the learned trial court on every date of hearing until further orders and shall not intimidate witnesses and/or tamper with evidence in any manner whatsoever.
10. In the event, the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without further reference to this Court.
11. Accordingly, the prayer for bail of the petitioner is **allowed**.
12. **CRM (DB) 4090 of 2024** is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)