

01.11.2021
Serial no. 92
Dd/srimanta

(Through Video Conference)

CRM 7014 of 2021

In re : An Application for **Bail** under Section **439** of the Code of Criminal Procedure in connection with **Gaighata** Police Station Case No **655 of 2021** dated **28.07.2021** under **Sections 376 (2) (c)/354B/506/509** of the Indian Penal Code corresponding to GR No. 3081/21.

-And-

In the matter of : Rameshawar Kalita

... ...Petitioner

Mr. Dinabandhu Chowdhury,
Mr. Amal Kumar Saha,
Mr. Iresh Paul, Advocates
... ... For the Petitioner

Mr. Prasun Kr. Dutta,
Mr. S. Ray, Advocates
... ...For the State

The petitioner is seeking release in connection with Gaighata Police Station case no. 655 of 2021 dated 28.07.2021 under Sections 376(2)(c)/354B/506/509 of the Indian Penal Code.

It is submitted by Mr. Chowdhury, learned advocate for the petitioner, that there is a hallmark of false implication of the petitioner into this case. It is pointed out that petitioner is a BSF personnel. Our attention is invited to annexure-'A', being the FIR lodged on behalf of the commander of BSF to the Officer-in-Charge, Gaighata Police Station on 28.07.2021 at 17.35 hours alleging that while performing the duty at about 03.00 hours they observed some suspicious movement of persons ahead of their duty point when the suspicious persons tried to flee away but the alert duty party managed to stop them and apprehended two Bangladeshi female.

Our attention is further invited to Annexure-‘B’, being the FIR lodged by one of the accused in connection with Gaighata Police Station case no. 654 of 2021 dated 28.07.2021 under Section 14 of the Foreigners Act alleging commission of rape on her by the BSF personnel at 1.30 hours at night on 27.07.2021.

Upon hearing the learned advocates for the petitioner, and the learned advocate for the State and considering the case diary, prima facie, there appears a false implication of the petitioner in the instant case as the identity of the BSF personnel is in question for the reason that no TI parade was held to indentify the particular BSF personnel.

Hence, we are inclined to admit the petitioner on bail.

We direct that the petitioner be granted bail on 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 Chief Judicial Magistrate, Bongaon.

The prayer for bail is **allowed**.

CRM 7014 of 2021 is **disposed of**.

All parties shall act in terms of copy this order downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Shivakant Prasad, J.)