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C.R.M. (SB) 6 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Arambagh Police Station Case No.373 of 2022 dated 28.12.2022 under Sections 447/323/325/354(B)/379/ 504/ 506 of the Indian Penal Code;

SK. Jiyabul @ Bapi
Versus
The State of West Bengal

Mr. Niladri Sekhar Ghosh,
Ms. Sompurna Chatterjee,
Mr. Sourov Mondal.
...for the petitioner.

Mr. Avishek Sinha.
...for the State.

Learned advocate appearing for the petitioner submits that the petitioner is in custody since 29th December, 2022 and there has been a long standing dispute between the parties, as such, the petitioner has been falsely implicated in connection with the instant case. According to the learned advocate, further detention of the petitioner is unwarranted as the Investigating Agency has already recorded number of statements of witnesses and also collected the injury report along with the statement under Section 164 of the Code of Criminal Procedure of the complainant.

Mr. Sinha, learned advocate appearing for the State opposes the prayer for bail and after drawing the attention of the Court to the case diary submitted that there are specific allegations of outraging of modesty of the complainant at the instance of the

present accused, who happens to be his brother-in-law. The complainant was also assaulted which would be reflected from the injury report available in the case diary.

I have considered the materials appearing in the case diary and on an assessment of the same, I am of the view that although a case has been made out but further detention of the petitioner is unwarranted.

Accordingly, the petitioner, namely, SK. Jiyabul @ Bapi, 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 Additional Chief Judicial Magistrate, Arambagh, Hooghly on condition that if on bail the petitioner shall stay outside the jurisdiction of Arambagh Police Station and shall enter the jurisdiction only for the purposes of attending the court and Investigating Officer of the case.

The petitioner shall meet with the Investigating Officer of the case once in a week until further orders. The petitioner shall inform his address to the Investigating Officer as well as the court and any change should be brought to the notice of the court as well as the Investigating Officer. In the alternative, the learned ACJM would be at liberty to cancel the bail without further reference to this Court.

Accordingly, CRM (SB)6 of 2023 is allowed.

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

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

(Tirthankar Ghosh, J.)