

76.  
Court  
No.28

08.07.2024  
  
(Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL MISCELLANEOUS JURISDICTION  
  
CRM (DB) 1996 of 2024

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973 / Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Jorasanko Police Station Case No.27 of 2024** dated **17.02.2024** under Sections **376/417/506/34** of the Indian Penal Code, 1860.  
And

In the matter of: - **Md. Naushad**

Mr. Dipanjan Dutt, Adv.,  
Mr. Surojit Saha, Adv.

...petitioner.  
  
...for the petitioner.

Mr. Prasun Kumar Dutta, Adv.,  
Mr. Santanu Talukder, Adv.

...for the State.

Mr. Soumya Khan, Adv.

...for the *de facto* complainant.

**Order dictated in open Court by Apurba Sinha Ray, J.**

Learned Counsel for the petitioner submits that he has been languishing in judicial custody for about 98 days. Though there was a deep love relation between the parties, the *de facto* complainant initiated this false case against him. The *de facto* complainant is aged about 24 years and the petitioner is 26 years of age. As the investigation has been completed, the petitioner may be granted bail on any condition as this Court may decide.

Learned Counsel appearing for the *de facto* complainant has raised strong objection against the bail prayer. According to him, the persons who were earlier granted anticipatory bail by a co-ordinate Bench of this Court, are threatening the *de facto*

complainant and as such he apprehends that if the present petitioner is enlarged on bail, he shall intimidate/threaten the *de facto* complainant.

Learned Counsel for the State submits that investigation is complete. He leaves the matter to the discretion of this Court.

We have gone through the material in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973. As the investigation is complete, there is no need for further custodial detention of the present petitioner. Therefore, we are inclined to allow the petitioner's prayer for bail but on stringent conditions:

Accordingly, we direct that the petitioner, namely, **Md. Naushad** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Metropolitan Magistrate, Calcutta, subject to condition that –

- 1) The petitioner shall appear before the Trial Court on each and every date of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure, 1973 / Section 355 of Bharatiya Nagarik Suraksha Sanhita, 2023, and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
- 1) The petitioner shall not leave the territorial limits of Kolkata, till conclusion of trial unless such conditions have been relaxed by the Trial Court.

- 2) The petitioner shall furnish the present address where he will be residing to the Officer-in-charge of the jurisdictional Police Station immediately after being released on bail and shall also appear before the Officer-in-Charge of the jurisdictional Police station, where he will be residing, once in every week until further orders.
- 3) The petitioner shall not threaten the victim girl and her family members in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without any justifiable cause, the Trial Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 1996 of 2024 is accordingly disposed of.

Criminal Section is directed to supply urgent photostat certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Arijit Banerjee, J.)**

**(Apurba Sinha Ray, J.)**