

19.09.2024
Item no.12.
Court No.28.
S. De
(Allowed)

CRM (DB) No. 2225 of 2024

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Chanchal Police Station Case No. 989 of 2021** dated **09.11.2021** under **Sections 498/376/506/509** of the Indian Penal Code.

And

In the matter of : Md. Rahamul Hoque @ Md. Rahimul.

.....Petitioner.

Mr. Omar Faruk Gazi,
Mr. Abhishek Tikadar,for the Petitioner.

Ms. Subhasree Patel,
Mr. Ivan Roy,for the State.

Ms. Sujata Das, ...for the de facto complainant.

Dictated by Arijit Banerjee, J.

1. The deposition of the victim lady recorded by the learned Trial Court has been placed before us. He squarely admits that there was relationship between her, a married lady and the petitioner.
2. Learned advocates for the State as well as de facto complainant oppose the bail prayer.
3. Further, the victim lady refused medical examination. There is also no charge under the I.T. Act. The petitioner is in custody for about 1 year and 5 months.
4. In view of the aforesaid, we are inclined to allow the petitioner's prayer for bail.

5. Accordingly, we direct that the petitioner, namely, **Md. Rahamul Hoque @ Md. Rahimul** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two sureties of like amount each, one of whom must be local to the satisfaction of the learned Additional Chief Judicial Magistrate, Chanchal, Malda and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
6. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
7. In the event the petitioner fails to adhere to any of the conditions stipulated above without 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.
8. The application for bail is, accordingly, allowed.
9. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

