

31.
03-09-2024
(ct. no.28)
debajyoti
(allowed)

CRM (DB) 2574 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Kalyani Police Station Case No.533 of 2024 dated 12-07-2024 under Sections 126(2)/64/62/75/76/78/351(2)/3(5) of Bharatia Nyaya Sanhita, 2023.

- A n d -

In the matter of : Rajib Biswas

.... Petitioner.

Mr. Shekhar Barman

... For the Petitioner.

Ms. Minoti Gomes,
Ms. Sanjida Sultana

... For the State.

Dictated by Arijit Banerjee, J.

Service Report filed by the State be kept with the records. Nobody appears for the defacto complainant/victim.

The petitioner says that he has been falsely implicated in this case. The present complaint is a counter blast to a civil suit filed by the petitioner pertaining to a property dispute, against the family members of the complainant. He is in custody for 50 days. There is no incriminating material against him. He prays for bail.

Learned advocate, appearing for the State, opposes the prayer for bail. However, she points out that the victim lady refused medical examination. She also draws our attention to the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure/Section 183 of the Bharatiya Nagarik Suraksha Sanhita.

Prima facie, we do not find any such incriminating material against the petitioner as would justify his continued custodial detention. His prayer for bail is, thus, allowed.

Accordingly, we direct that the petitioner, namely, **Rajib Biswas**, 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 learned Additional Chief Judicial Magistrate, Kalyani, Nadia. The petitioner shall appear before the learned 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. The petitioner shall remain within the jurisdiction of local police station and report to the Officer-in-Charge/Inspector-in-Charge of the said police station once in every week, until further orders. The petitioner shall cooperate with the Investigating Officer fully.

In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 2574 of 2024 is, thus, **allowed**.

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

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

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)