

06.09.2024
Item no. 73.
Court No.28.
AB
(Allowed)

CRM (DB) 2816 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Jiaganj Police Station Case No.192 of 2024 Dated 5.6.2024 under Section 376/506 of the Indian Penal Code

And

In the matter of : Mohan HansdaPetitioner.

Mr. Robiul Islam
Mr. A. R. J. Kabirfor the Petitioner.

Mr. Anand Keshri
Mr. Santanu Talukdarfor the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today, be kept with the record. In spite of service, nobody appears for the defacto complainant/victim.
2. The petitioner says that there was a quarrel between him and the victim lady, a married lady of 18 years of age, regarding collection of water from a public tap near their house. The petitioner and the victim lady are neighbours. Due to such quarrel, this false complaint has been lodged. The petitioner is innocent. He is in custody for 93 days.
3. Learned Advocate for the State, while opposing the prayer for bail, draws our attention to the statement of the victim lady recorded under Section 164 Cr.P.C. We

have also considered the medical report, which prima facie does not corroborate the prosecution case.

4. On an overall assessment of the material on record and given the fact that investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **Mohan Hansda** 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, Lalbagh, Murshidabad, 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 and/or commit any cognizable offence 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.

(Arijit Banerjee, J.)

(Prasenjit Biswas, J.)