

42. 19.09.2024
Court
No.28 (Tanmoy)

Allowed

IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION

CRM (DB) 2817 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 **Dhubulia** Police Station Case **No.184/2024** dated **07.05.2024** under Sections **365/376/506/34** of the Indian Penal Code.
And

In the matter of: - **Ikramul Shaikh @ Ikram**

...petitioner.

Mr. Prabir Majumder

...for the petitioner.

Mr. Avishek Sinha

Mr. Saptarshi Chakraborty

...for the State.

Dictated by Arijit Banerjee, J.

1. Service report filed by the State be kept with the records.
2. In spite of service nobody appears for the *de facto* complainant/victim girl.
3. The petitioner says that he has been falsely implicated. He is in custody for 106 days. There is inconsistency in the statements recorded by the victim girl, who was just below 18 years of age at the time of the incident, under Sections 161/164 of the Code of Criminal Procedure, 1973. Investigation is complete. He prays for bail.
4. Learned Advocate for the State, while opposing the prayer for bail, in his usual fairness, does not dispute that there are inconsistencies between the victim's statements recorded under Sections 161 and 164 of the Code of Criminal

Procedure, 1973. He also points out that the victim girl refused medical examination.

5. In view of the aforesaid and considering that investigation is complete, we are inclined to allow the petitioner's prayer for bail.
6. Accordingly, we direct that the petitioner, namely, **Ikramul Shaikh @ Ikram** 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 Judicial Magistrate, Nadia at Krishnagar, subject to condition that 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.
7. 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 his bail in accordance with law without further reference to this Court.
8. The application for bail being CRM (DB) 2817 of 2024 is accordingly disposed of.
9. 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)