

CRM (DB) 2921 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/483 of BNSS in connection with **New Market Police Station** Case No. **11 of 2024** dated **11.01.2024** under Sections **376/417/323/406/506** of the Indian Penal Code.

- A n d -

In the matter of : Tausif Raza

.... Petitioner.

Mr. Subhajit Chowdhury,

... for the petitioner.

Mr. Imtiaz Ahmed,
Mrs. G. Firdaus,
Md. Amar Zaki,
Mr. Sk. Saidullah,
Mr. D. Roy,
Mr. M. Mondal,
Md. Arsalan,

... For the defacto complainant.

Mr. Rana Mukherjee,
Ms. Srilekha Chattopadhyay,

... For the State.

1. Heard the learned lawyers for both the parties.
2. Petitioner submits that there was a romantic relationship between the parties and they had agreed to marry. Subsequently the marriage did not fructify and the petitioner has been falsely implicated. He is in custody for 50 days.
3. Learned Advocate for the State opposes the bail prayer. She submits the victim had been blackmailed by showing her obscene pictures and was compelled to cohabit with the petitioner on a number of occasions.
4. Learned Advocate for the defacto complainant submits due to the threat that her pictures will be uploaded on social networking site, victim was unable to approach the police earlier.

5. We have considered the materials on record in the light of the rival submissions at the bar. We have considered the aforesaid statement of the victim.

6. We note the incident of sexual assault had taken place on a number of days firstly in Kolkata and then at Hyderabad. If one admits that she could not approach the police due to blackmail on the first occasion, it is a matter to be assessed during trial what prompting her to accompany the petitioner to Hyderabad. Her statement regarding blackmail and threats on one hand and the subsequent promise to marry on the other hand are also prima facie irreconcilable.

7. As the investigation has progressed substantially and the statement of the victim has already been recorded, we are of the opinion further detention of the petitioner is not necessary and he may be released on bail.

8. Accordingly, we direct that the petitioner, namely, **Tausif Raza**, 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, Kolkata and on further conditions that the petitioner shall meet the Investigating Office once in a week and on further conditions that 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. The petitioner shall not physically or through electronic means contact the victim in any manner whatsoever.

9. 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 his bail in accordance with law without further reference to this court.

10. The application for bail is, accordingly, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)