

12.11.2024
Item no. 104.
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (DB) 560 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 Maynaguri Police Station Case No.460 of 2024 Dated 10.10.2024 under Sections 137(2)/140(3)/64 of BNS, 2024

And

In the matter of : Amir Hussain @ Md. Ajad

.....Petitioner.

Mr. J. K. Bhowmick,
Mr. Sayantan Bhowmick,
Mr. Subham Kumar,
Ms. Sayantani Dasfor the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Tapan Bhattacharjee.....for the State.

Mr. Hasanur Rahamanfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there was a love relationship between him and the victim lady. He is 19 years of age. The victim lady is 22 years old. Their relationship having turned assiduous, this false complaint was lodged. He is in custody for 32 days. He prays for bail.
2. Opposing the prayer, learned Advocates for the State and the defacto complainant say that the petitioner took the victim lady to a resort at Lataguri and then ravished

her there. Investigation is still in progress. Bail should not be granted.

3. We have considered the material in the case diary. The medical examination report does not support the prosecution case at all. The statement of the victim lady, recorded under Section 164 Cr.P.C., is also, prima facie, very sketchy.
4. On an overall consideration and assessment of the material on record, we are inclined to allow the petitioner's prayer for bail so long as he cooperates fully with the Investigating Officer.
5. Accordingly, we direct that the petitioner, namely **Amir Hossain @ Md. Ajad** 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 Chief Judicial Magistrate, Jalpaiguri, and on further conditions that he shall not enter the jurisdiction of Maynaguri Police Station except for attending the court proceedings and meeting the Investigating Officer of this case and shall provide the address where he shall presently reside to the Officer in Charge of the concerned police station while on bail and shall meet the Investigating Officer 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.

(Biswaroop Chowdhury, J.)

(Arijit Banerjee, J.)