

12.11.2024
Item no. 117.
Court No.1.
AB
(Allowed)

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

CRM (DB) 591 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 Dinhata Women Police Station Case No.111 of 2024 Dated 16.09.2024 under Sections 64/351(2) of BNS 2023

And

**In the matter of : Binoy Krishna Adhikary
@ Binay Krishna Adhikary**

.....Petitioner.

Dr. Arjun Choudhury,
Mr. Pratusha Dutta Choudhury
Mr. Koushik Kr. Kanu,
Ms. Tulip Saha
Ms. Riya Agarwal for the Petitioner.

Mr. A. S. Chakraborty, Id. APP
Mr. Aniruddha Biswas for the State.

Dictated by Arijit Banerjee, J.

1. Affidavit of service filed in Court today, be kept with the records. In spite of service, nobody appears for the defacto complainant.
2. The petitioner says that he is about 65 years of age. The victim lady is about 45 years of age. There was an amorous relationship between them. They both worked in the same department in the Government. That is how, a relationship developed. The relationship having

turned assiduous, this false complaint has been lodged.

He is in custody for 56 days. He prays for bail.

3. Opposing the prayer, learned State Advocate says that investigation is going on. The victim lady in her statement recorded under Section 164 Cr.P.C. squarely implicates this petitioner. Bail should not be granted.
4. We have seen the statement of the victim lady. Prima facie, it appears that the statement is very sketchy. The medical report does not support the prosecution case to any extent at all.
5. Considering the age of the petitioner and the nature of material in the case diary, we are of the view that further custodial detention of the petitioner is not necessary so long as he cooperates with the Investigating Officer fully.
6. Accordingly, we direct that the petitioner, namely **Binoy Krishna Adhikary @ Binay Krishna Adhikary** 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, Dinhata, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Investigating Officer once in a fortnight until further orders.

7. 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.
8. 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.
9. The application for bail is, accordingly, allowed.
10. 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.)