

CRM (DB) 408 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Nowda Police Station** Case No. **187 of 2024** dated **26.07.2024** under Sections **64(2)(k)** of the BNS.

- A n d -

In the matter of : Afirul Sk. @ Tinku @ Aafirul Sekh @ Aafirul Sk.
.... Petitioner.

Mr. Navanil De,
Mr. R. Chakraborty,

... For the Petitioner.

Mr. Sayanti Santra,
Ms. P. Priyadarshi,

... For the State.

Order 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 defacto complainant/victim.
3. The petitioner says that he has been falsely implicated. He has to role to play in the alleged offence of rape. He had purchased a piece of land from the victim lady's father. Upon the vendor of the land refusing to handover the property to him, the petitioner has initiated civil action. This false criminal complaint is a counter blast. He is in custody for five months eleven days. Charge sheet has been submitted upon completion of investigation. His further custodial detention is unnecessary.
4. Opposing the bail prayer, learned State Advocate draws our attention to the statement of a neighbor recorded under Section 164 of the Criminal Procedure Code. The statement of the victim lady could not be recorded as she suffers from 90 per cent mental disability. The medical examination of the victim was refused at the instance of her mother.

5. On an overall assessment of the material on record and considering the period of detention of the petitioner, we enlarge the petitioner on bail.

6. Accordingly, we direct that the petitioner, namely, **Afirul Sk. @ Tinku @ Aafirul Sekh @ Aafirul Sk.**, 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 C.J.M., Berhampore at Murshidabad subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall remain within the jurisdiction of the concerned police station and shall meet the I.C of the concerned police station once in a fortnight until further orders.

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.

(**Apurba Sinha Ray, J.)**

(**Arijit Banerjee, J.)**