

CRM (DB) 330 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 **Berhampore Police Station** Case No. **304 of 2010** dated **07.05.2010** under Sections **376/323/34** of the Indian Penal Code.

- A n d -

In the matter of : Mithun Sk.

.... Petitioner.

Mr. Jissan Iqbal Hossain,

... For the Petitioner.

Mr. Debabrata Chatterjee,
Mr. Subhasish Datta,

... For the State.

Mrs. Minoti Gomes,

.... For the defacto complainant.

Order dictated by Arijit Banerjee, J.:

1. The defacto complainant is represented through learned Advocate.
2. We have seen her deposition recorded before the learned Trial Court. She has only stated that there was some dispute and physical exchange of blows regarding property dispute. There is no whisper of rape.
3. Learned Advocate for the petitioner also, on instruction, says that on the date of the incident there was only physical altercation and nothing beyond that. The deposition of the victim lady be kept with the records.
4. Learned State Advocate opposes the bail prayer.
5. Accordingly, we direct that the petitioner, namely, **Mithun 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,

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 except for the purpose of attending court proceedings and shall meet the I.C of the said police station once in a fortnight until further orders.

6. 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.

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

8. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)