

25.03.2025
Item no. 27.
Court No.29.
AB
(Allowed)

CRM (DB) 631 of 2025

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 Bhatar Police Station Case No.411 of 2024 Dated 08.09.2024 under Sections 64(2)(K) of the B.N.S. 2023

And

In the matter of : Sk. Badsah

.....Petitioner.

Mr. Debanjan Chatterjeefor the Petitioner.

Mr. Soumik Ganguly,
Mr. Soumyadip Sahafor the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that he is in custody for about six months. Investigation is complete. Charge sheet has been filed. There is no such material on record as would justify his further detention in custody.
2. Learned State Advocate shows us the statements of the victim lady and her father, recorded under Section 183 B.N.S.S. 2023. Prima facie, there appear to be some inconsistencies between the statements recorded by the victim lady and her father. The victim lady does not talk of any sexual assault. The medical report prima facie does not support the prosecution case.
3. In view of the aforesaid and since investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.
4. Accordingly, we direct that the petitioner, namely **SK. BADSAH** 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, Purbo Bardhaman, and on further conditions that he shall not enter the jurisdiction of Bhatar Police Station except for attending the court proceedings and shall provide the address where he shall presently reside to the Officer in Charge of the Bhatar Police Station and shall meet the Officer in Charge of the concerned police station within whose jurisdiction he shall presently reside once in a fortnight until further orders.

5. 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.
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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)

