

28.03.2025
Item no. 40.
Court No.29.
AB
(Allowed)

CRM (DB) 611 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 Pukhuria Police Station Case No.589 of 2024 Dated 13.10.2024 under Section 329(4)/351(3)/64(1) of the B.N.S. 2023

And

In the matter of : Saddam Hossain

.....Petitioner.

Mr. Soupal Chatterjeefor the Petitioner.

Mr. Debasish Roy, Id. PP
Mr. Bidyut Kr. Roy,
Mr. M. A. Naskarfor the State.

Mr. Anupam Dasfor the Defacto complainant.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there has been a longstanding relationship of 14 years between him and the victim lady, who are both married. He has been falsely implicated. By reason of pressure created by the villagers, the false complaint has been lodged by the defacto complainant. He is in custody for 170 days. Investigation is complete. His further custodial detention is not necessary.
2. Learned Advocate for the defacto complainant, on instructions, supports the submission made on behalf of the petitioner. He further files an affidavit affirmed by the defacto complainant on March 26, 2025 confirming

her relationship with the petitioner. In the affidavit it is stated that due to pressure exerted by the villagers, who refused to accept the relationship between the petitioner and the defacto complaint, the false complaint had to be lodged.

3. Learned State Advocate leaves the matter to the discretion of the Court.
4. In view of the material on record and submission made on behalf of the defacto complainant and considering that investigation is complete, we are of the view that further custodial detention of the petitioner is not necessary.
5. Accordingly, we direct that the petitioner, namely **SADDAM HOSSAIN** 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 Sessions Judge, Chanchal, Malda, and on further conditions that he shall not leave the jurisdiction of the concerned police station and shall report to the Officer-in-Charge of the concerned police station 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)