

28.03.2025
Item no.47.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 647 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Nadanghat Police Station Case No. 199 of 2024** dated **30.03.2024** under **Section 376** of the Indian Penal Code.
And

In the matter of : Jiarul Sk. @ Jiyarul Sk. @ Ziyarul Sk.

...Petitioner.

Ms. Minoti Gomes,for the Petitioner.

Mr. Subham Kanti Bhakat, ...for the De facto Complainant.

Ms. Sukanya Bhattacharyya,

Mr. S. Nandy, ...for the State.

Dictated by Apurba Sinha Ray, J.

1. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. Investigation is complete. There was a love relation between the victim lady and the present petitioner. But due to pressure of the relatives of the victim, she was compelled to lodge this false case against the present petitioner.
2. Learned counsel for the de facto complainant has raised strong objection. According to him, the petitioner took loan of Rs.5,00,000/- from the victim on different occasions. However, there are sufficient incriminating materials against the present petitioner as he committed rape upon the victim.
3. Learned counsel for the State opposes the prayer for bail. She has drawn our attention to the statement of the victim lady recorded under Section 164 Cr.P.C. (Section 183 of B.N.S.S.)

4. We have considered the materials-on-record. It appears that the investigation is complete and further the victim and the petitioner are known to each other otherwise the victim would not have granted a loan of Rs. 5,00,000/- to the petitioner as alleged.
5. Considering all the aspects, we are inclined to grant the prayer for bail of the petitioner on certain conditions.
6. Accordingly, we direct that the petitioner, namely, **Jiarul Sk. @ Jiyarul Sk. @ Ziyarul 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 Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman, subject to the condition that the petitioner shall not enter the jurisdiction of the Nadanghat Police Station except for the purpose of attending Court proceedings and shall also furnish the address where he will be residing to the Officer-in-Charge in whose jurisdiction he will be residing and shall also appear before such Inspector-in-Charge/Officer-in-Charge of the once in a week, 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 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.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)