

04.04.2025

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jb.

jdt.

Allowed

C.R.M. (SB) 33 of 2025

In Re : An Application for bail under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with Ketugram
Police Station Case No. 63 of 2025 dated February 11, 2025 under
Sections 85/75(2)/76/115(2)/3(5) of the Bharatiya Nyaya Sanhita.

And

In Re : **Sujon Barui @ Sujan Barui @ Sujoy Barui**

... Petitioner.

Mr. Navanil De
Mr. Srinjan Ghosh

... For the Petitioner.

Mr. Arijit Ganguly
Ms. Trina Mitra

... For the State.

Affidavit of service filed on behalf of the petitioner is taken
on record.

None appears for the 2nd opposite party despite service.

The petitioner is the brother in law of the victim and is in
custody for about 59 days.

Learned counsel for the petitioner submits that the
petitioner's brother developed a love affair with the victim who is a
resident of Uttar Pradesh. After coming to know that the victim
was a married lady, he broke up the relationship. The victim
lodged a complaint against the petitioner's brother at Uttar
Pradesh on 31st October, 2023 alleging physical relationship on
false promise to marry. Subsequently the victim claimed to be the
legally married wife of the petitioner's brother and tried to enter
the petitioner's house for which the petitioner's father filed a civil
suit being Title Suit no. 13 of 2025. An order of *ad interim*
injunction was granted by the civil Court in his favour restraining
the defendant/victim from obstructing his peaceful possession

and raising any construction by changing the nature and character of the property. As a retaliation the present complaint has been filed against the petitioner, his brother and parents. Charge-sheet is yet to be submitted.

The petitioner prays for bail.

Opposing the prayer for bail, learned counsel for the State takes this Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure wherein she has alleged that the petitioner has molested her in her matrimonial home.

I have considered the material on record.

The two complaints lodged by the victim are not in tune with each other. The allegation of sexual assault thrust upon the petitioner has to be considered in the light of the evidence on record at the appropriate stage of proceeding. The petitioner is in custody for about 59 days.

Considering the material on record as well as the period of detention of the petitioner, the prayer for bail is allowed.

The petitioner namely Sujon Barui @ Suran Barui @ Sujoy Barui shall be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Katwa subject to condition that the petitioner shall cooperate in investigation and shall not tamper with the evidence and intimidate the witnesses in any manner whatsoever.

The application for bail is, thus, disposed of.

Case diary be returned.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent certified website copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Suvra Ghosh, J.)