

16
21.05.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 144 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Rishra P.S. Case No. 23 of 2025 dated 07.02.2025 under Sections 126(2)/117(2)/318(2)/318(4)/64/316(2)/351(3) of the BNS, 2023.

And

In Re : **Akash Kumar Paswan @ Akash Paswan** ... Petitioner.

Mr. Arindam Sen
Mr. Sourav Basu
Mr. Asit Bera ... for the Petitioner.

Mr. Kaushik Kundu
Mr. Dipankar Paramanick ... For the State.

Report submitted by the State is taken on record.

Victim is not represented despite service.

The petitioner is in custody for more than 100 days and prays for bail.

Learned counsel for the petitioner submits that the victim is a married lady and has a son. Though the victim has alleged that the petitioner took Rs.2 lakhs from her father through bank transfer, the fact remains that the petitioner paid the bills of the hospital where the victim's father was admitted and the said amount was reimbursed by the petitioner on line. Charge sheet has been submitted. The petitioner prays for bail.

Learned counsel for the State opposes the prayer.

I have perused the material on record. The petitioner appears to be a married lady with a son. The written complaint demonstrates that an amount of Rs.2 lakhs was

transferred to the petitioner's account by the victim's father and a further amount of Rs.8 lakhs was given in cash. The cash transaction has not been prima facie substantiated. Though the petitioner denies receipt of Rs.2 lakhs from the victim, he is agreeable to deposit the said amount before the learned trial Court without prejudice to his rights and contentions.

Learned counsel for the State points out that the statement of the victim recorded under Section 164 of the Code of Criminal Procedure states that about Rs.8 lakhs was given to the petitioner though online transfer. But since the written complaint speaks of Rs.2 lakhs being transferred online whether the said amount extended to Rs.8 lakhs shall be assessed at the appropriate stage of trial.

Considering the material available on record and also the fact that the victim being a major was conscious of the consequences of the alleged relationship all throughout, this Court is of the view that further detention of the petitioner is not required and he may be granted bail subject to stringent conditions.

Accordingly, prayer for bail is allowed.

The petitioner namely **Akash Kumar Paswan @ Akash Paswan** 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, Serampore, Hooghly subject to condition that he shall deposit Rs.2 lakhs before the learned trial Court within

7 days from date. The learned trial Court shall keep the said amount in an auto renewing fixed deposit account in a nationalized bank till completion of trial.

In the event of the allegations being substantiated, the said amount shall be made over to the victim and if the accused/petitioner is acquitted, the amount shall be refunded to the petitioner.

The petitioner remain outside the jurisdiction of Rishra P.S. and shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the conditions as stated above without justifiable cause, the learned trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

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.)