

16.06.2025

Item No.25

Ct.No.34

rc.

Allowed

C.R.M. (M) 310 of 2025

In Re : An Application for bail under Section 439 of the Code of Criminal Procedure read with Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Santipur Police Station Case No. 186 of 2022 dated 05.03.2022.

And

In Re : **XXXX**

... Petitioner

Mr. Sabir Ahmed
Mr. Fasiur Rahaman
Mr. Tasnim Ahamed
Mr. Dhiman Banerjee
Mr. Ezaz Ahmed

... for the Petitioner

Mr. Arijit Ganguly
Mrs. Manasi Roy

... For the State

Report submitted by the State is taken on record.

The victim lady is not represented despite service.

Learned counsel for the petitioner submits that the petitioner is in custody for three years and three months. The victim lady has been examined and his further detention is not required. He prays for bail.

Learned counsel for the State opposes the prayer.

I have considered the material on record. True, bail prayer of the petitioner was rejected on earlier occasions considering the material on record. The mother of the victim lady lodged written complaint on April 14, 2021 against the petitioner and others on the basis of which a case under Section 363/365/34 of the Indian Penal Code was initiated.

Upon completion of investigation final report was submitted on December 31, 2021 due to lack of evidence. On March 05, 2022, a second FIR was lodged by the victim lady herself with identical allegation as in the earlier FIR and with an addition of allegation under Section 376D of the Indian Penal Code. The petitioner is in custody in connection with the said FIR. Both the FIRs are on the anvil of the self same incident and it is not clear as to why allegation under Section 376D of the Indian Penal Code was not included in the earlier FIR.

Be that as it may, the victim lady has been examined and eight more witnesses are remaining to be examined.

Considering the period of detention of the petitioner as well as the fact that the victim lady has been examined, this Court is of the view that further detention of the petitioner is not required and he may be granted bail on stringent conditions.

Accordingly prayer for bail is allowed.

The petitioner 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, Ranaghat, Nadia subject to condition that he shall remain outside the jurisdiction of Santipur Police Station and shall furnish the address where he shall presently reside before the learned trial Court, Investigating Officer and the Officer-in-Charge of the concerned police

station under whose jurisdiction he shall henceforth reside. He shall appear before the learned trial Court on every date of hearing. He 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 mentioned 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.

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

(Suvra Ghosh, J.)