

11.07.2025
Item no.5
Court No.42
ss
(Allowed)

**HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM (M) 363 of 2025

In re : An Application for bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Lalgola Police Station Case No.864 of 2024 dated 22.08.2024 under Sections 137(2)/140(3) of the Bharatiya Nyaya Sanhita, 2023 corresponding to POCSO Case No.77 of 2024 now pending before the learned Judge, Special Court, Lalbagh, Murshidabad.

-And-

In the matter of : XXXX

... Petitioner

Mr. Imtiaz Ahmed,
Mr. Anindya Sundar Das,
Mrs. Ghazala Firdaus,
Mr. Syed Ali Afzal,
Mrs. Debapriya Samanta,
Mr. Sk. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan,
Ms. Paramita Mondal
Mr. Suman Halder
Ms. Zannat Haque

...for the petitioner

Ms. Sonali Das,
Mr. Sandip Kundu

... ..For the State

Report in compliance to order dated 1st July, 2025 filed by the State is taken on record.

Learned Advocate for the petitioner submits that the victim and the petitioner had love affairs, which will be evident from the photographs and WhatsApp messages annexed to the supplementary affidavit. The victim left her house out of her own accord. The allegation against the petitioner is totally baseless. The victim and the petitioner were married under Muslim Law, which is apparent from the *Talak-E-Tafiuz* (annexure P2 to the

petition). The petitioner is in custody for 312 days and upon completion of investigation, charge-sheet has been submitted in this case. He seeks for enlargement of the petitioner on bail.

Learned Advocate for the State, opposing such prayer for bail, submits that the victim implicates the petitioner in her statement of commissioning of rape upon her. The victim was confined to the house of the petitioner wherefrom she has been recovered. He seeks for dismissal of the bail application.

Perused the case diary and the materials on record.

The victim in her statement implicates the petitioner of commissioning rape upon her. However, the victim has refused to undergo medical examination. The materials placed before this Court shows that the victim had previous acquaintance with the petitioner. Although the report shows that the *Talak-E-Tafiuz* was not registered, however, the same has been applied by the victim herself which also indicates of a relationship between the victim and the petitioner. The petitioner is in custody for 312 days and upon completion of investigation, charge-sheet has already been submitted in this case. Considering the above, I am inclined to grant bail to the petitioner on stringent conditions.

Accordingly, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees ten thousand), with two sureties of like amount each, one of whom must be a local, to the satisfaction of the learned Judge, Special Court, Lalbagh, Murshidabad. The petitioner shall appear before the trial court on each and every day of substantive hearing subject to the provisions of Section 317 of the Code of Criminal Procedure,

1973/Section 355 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. The petitioner shall meet the Inspector-in-Charge of Lalgola Police Station once in a fortnight, until further orders. The petitioner shall not enter within the territorial jurisdiction of Lalgola Police Station except for the purpose of attending court proceedings and for reporting to the Inspector-in-Charge of the concerned Police Station, until further orders. The petitioner shall furnish the address where he shall presently reside before the learned trial court, the investigating officer and the Inspector-in-Charge of the police station under whose jurisdiction he shall presently reside.

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

It is made clear that the observation made hereinabove is only for the sake of disposal of this application.

Supplementary affidavit and its annexures be kept in a sealed envelope.

Accordingly, the application for bail being **CRM (M) 363 of 2025** is disposed of.

(Bivas Pattanayak, J.)