

May 19, 2025

7 ARDR

(Allowed)

CRM (R) 29 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with **Raiganj**
Police Station Case No. **914** of **2023** dated **28/8/2023** under
Sections **376(2)(I)** of the Indian Penal Code.

And

In Re : Chanua Sk. @ Chan Md.

... Petitioner.

Adv. Kaushik Choudhury,

... for the petitioner.

Adv. Anil,

...for the defacto complainant.

Adv. Iqbal Kabir,

Adv. Bikram Mitra,

... for the State.

Copy of DNA report submitted by the petitioner is taken on
record.

The petitioner is in custody for more than a year and renews
his prayer for bail.

Learned counsel for the State and defacto complainant oppose
the prayer.

Allegation against the petitioner is that he has sexually
assaulted a physically challenged woman as a result of which she
conceived and gave birth to a baby girl.

It appears from the DNA report that the genetic profile of the
petitioner has not matched with the child and the petitioner is not
found to be the biological father of the child.

Considering the material on record, this Court is of the view
that the petitioner may be released on bail subject to stringent
conditions.

Accordingly, the prayer for bail is allowed.

The petitioner namely **Chanua Sk. @ Chan Md.** 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 Chief Judicial Magistrate, **Uttar Dinajpur at Raiganj**, subject to the condition that he shall remain outside the jurisdiction of Raiganj 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 and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stated above, 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 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.)