

June 12, 2025

25 ARDR

(Allowed)

CRM (R) 51 of 2025

In Re : An Application for bail under Section 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 filed in connection with
Kushmandi Police Station Case No. **56** of **2025** dated **14/3/2025**
under Sections **329(4)/64** of the BNS.

And

In Re : Bablu Murmu

... Petitioner.

Adv. Kaushik Chowdhury,
Adv. Rakesh Jana

... for the petitioner.

Adv. Sayanti Santra,
Adv. Mamata Jana,

... for the State.

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

The victim is not represented despite service.

The petitioner is in custody for about 90 days and prays for
bail.

Learned counsel for the petitioner submits that there was a
consensual relationship between the parties and the victim has
stated before the doctor that she was married to the petitioner and
resided in his house.

Opposing the prayer, learned counsel for the State submits
that the statements of witnesses recorded under Section 180 of the
BNSS demonstrate that the petitioner sexually abused the victim on
an assurance of marriage but refused to keep his promise
subsequently.

I have considered the material on record.

It *prima facie* appears that there was a consensual
relationship between the parties, the victim being a major and being

aware of the consequence of the relationship all throughout. Though the victim alleges that the petitioner refused to marry her after sexually abusing her on an assurance of marriage, she has stated before the doctor that she was assaulted by her husband. Charge sheet has been submitted.

Considering the material on record, 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, the prayer for bail is allowed.

The petitioner namely **Bablu Murmu** be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned **Additional Chief Judicial, Gangarampur, Buniadpur at Dakshin Dinajpur** subject to the condition that 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 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.

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.)