

05.06.2025
Item No.10
Court No.6
Susanta/
Aminur
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CRIMINAL MISCELLANEOUS JURISDICTION**

CRM(M) 578 of 2025

In re : An Application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with G.R. Case no. 2708 of 2024 arising out of Haldia Women Police Station Case No.116 of 2024 dated 05.12.2024 under Sections 419/420/406/465/468/471/376/120B/34 of the Indian Penal Code.

-And-

In the matter of : Sk. Atibur Rahaman

... Petitioner

Mr. Himangshu De, Sr. Adv.,
Mr. Navanil De,
Mr. Subhrajit Dey,

...For the petitioner.

Mr. Madhusudan Sur, Ld. APP,
Ms. Manasi Roy,

... For the State.

Learned Advocate for the petitioner and the learned Advocate for the State are present.

Heard learned Advocates for the parties.

Perused the materials in the case diary.

Learned advocate for the petitioner submits that his client is falsely implicated in the instant case and the complaint in the instant case was lodged after eight months from the date of the alleged incident.

Learned advocate submits that the allegations made against his client are not maintainable.

Learned advocate for the State submits that the petitioner is a habitual offender in cheating people and there are other complaints against the petitioner.

It is further submitted that different amount has been credited to the petitioner's bank account.

Upon perusing the materials in the case diary and upon considering the facts of the case although it would not be proper to observe with regard to the merits of the case. But it is necessary to consider as to whether the petitioner should be enlarged on bail. In order to grant bail to the accused petitioner, it is necessary to consider the nature of seriousness of the offence, the sentence which the accused will suffer in the case of conviction apprehension of absconding and tampering of witnesses.

In the instant case with regard to the offence under Section 376 I.P.C., this Court perused the statement under Section 164 Cr.P.C. and the medical examination report and the statement of the hotel manager where the alleged incident took place.

Learned advocate for the State opposes such prayer for bail.

Upon perusing the statement made under Section 164 Cr.P.C. and considering the facts of delay in lodging of complaint and the medical examination report this Court is of the view that as there is no reasonable apprehension of absconding the petitioner and the petitioner be granted an opportunity to remain on bail.

Thus, I allow the prayer for bail made by the petitioner.

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 ACJM, Halida, Purba Medinipur. The petitioner upon release shall meet the Officer-in-Charge of concerned Police Station twice a week, until further orders and 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 not enter within the territorial jurisdiction of concerned Police Station except for the purpose of attending court proceedings and for reporting to the Officer-in-Charge of the concerned Police Station, until further orders. The petitioner shall not meet the *de facto* complainant or the persons acquainted with the facts of the case and shall furnish the address where the petitioner shall presently reside before the learned trial court, the investigating officer and the Officer-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 their bail in accordance with law without further reference to this Court.

Accordingly, the application for bail is disposed of.

(Biswaroop Chowdhury, J.)