

14.07.2025

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jb.

jdt.

Allowed

C.R.M. (M) 669 of 2025

In Re : An Application under Section 439 of the Code of Criminal Procedure/under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Goghat Police Station Case No. 32 of 2025 dated 21.01.2025 under Sections 64(2)(m)/351(2) of the Bharatiya Nyaya Sanhita.

And

In Re : Rahul Malik

Mr. Niladri Sekhar Ghosh

Mr. Sounik Dey

... For the Petitioner.

Ms. Sreyashee Biswas

Md. Yaser A. Ismail

... For the State

Learned counsel for the petitioner submits that the petitioner is in custody for about 174 days, being falsely implicated. There was a consensual relationship between the parties. The evidence collected does not support the FIR.

Learned counsel for the State opposes the prayer.

I have considered the material on record. It appears that there was a consensual relationship between the petitioner and the victim. Charge sheet does not prima facie indicate recovery of indecent/obscene photographs of the victim. Mobile phone of the petitioner has been sent for forensic examination. Charges have been framed. Further detention of the petitioner is not required for the purpose of custodial interrogation.

Accordingly, the prayer for bail is allowed.

The petitioner namely Rahul Malik shall 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, Arambagh, Hooghly subject to condition that he shall remain outside the jurisdiction of Goghat police station except for the purpose of appearing before the learned trial Court on every date of hearing and shall furnish the address where he shall presently reside before the learned trial Court, the investigating officer and the concerned officer in charge of the police station under whose jurisdiction he shall presently reside. He shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

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