

13.08.2025

40

jb.

jdt.

Allowed

C.R.M. (M) 975 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 Nadanghat Police Station Case No. 99 of 2025 dated 16.02.2025 under Sections 376/506/509 of the Indian Penal Code and Section 6 of the Indecent Representation of Women Prohibition Act.

And

In Re : Ganesh Samanta

Sabir Ahmed
Mr. Sudip Kushri
Tasnim Ahmed
Mr. Dhiman Banerjee

... For the Petitioner.

Mr. S. S. Imam
Mr. Santanu Deb Roy

... 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 more than 3 months and prays for bail.

Learned counsel for the petitioner submits that there was a consensual relationship between the parties. The victim is a married lady. Charge sheet has been submitted. His further detention is not required.

Learned counsel for the State opposes the prayer.

It appears that there was a consensual relationship between the parties for more than 8 years despite the fact that the victim is a married lady. The victim has refused medical examination. She has also not produced her mobile

phone wherein her obscene photographs were allegedly sent by the petitioner. Charge sheet has been submitted.

Considering the material on record and the extent of complicity of the petitioner in the alleged crime, this Court is of the view that further detention of the petitioner is not required. He may be granted bail.

Accordingly, the prayer for bail is allowed.

The petitioner namely Ganesh Samanta 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, Kalna, Purba Bardhaman subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court and shall not tamper with evidence or intimidate witnesses in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date fixed for hearing without any justifiable cause, 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.)