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12.09.2025
Ct.No.34
b.das
Allowed

C.R.M. (M) 1187 of 2025

In Re : An application for bail under Section 483 of the BNSS, 2023 filed in connection with Bijayganj Bazar P.S. Case No. 61 of 2024 dated 21.02.2024 under Sections 498A/448/323/325/354/376B/511/379/195A/34 of the Indian Penal Code.

And

In Re : **XXXX** ... Petitioner.

Mr. Sankar Prasad Dalapati
Mr. Pritam Choudhury
Mr. Safik Dewan
Mr. Sourav Mondal ... for the Petitioner.

Ms. Sujata Das
Ms. Suveni Banerjee ...for the State.

Mr. Debottam Das ...for the de facto complainant.

Heard learned counsels for the parties.

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

Learned counsel for the petitioner submits that the petitioner is the husband of the de facto complainant and has been falsely implicated. The parties are in separation since 2016. The petitioner is HIV positive.

Learned counsels for the State and the de facto complainant oppose the prayer.

I have considered the material on record. The petitioner is the husband of the de facto complainant. He is in custody for about 90 days. Charge sheet has been submitted.

Material available in the case diary does not justify further detention of the petitioner and he may be released on bail.

Accordingly, the prayer for bail is allowed.

The petitioner 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, Baruipur, South 24 Parganas subject to condition that he shall appear before the learned trial Court on every date of hearing fixed by the learned trial Court. He shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the learned trial Court on any date without 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 thus 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.)