

02.12.2025

Court No.35.

D/L. 05.

Rakib

(Rejected)

CRM (M) 2367 of 2025

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure, 1973/Under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Ratua Police Station case no. 609 of 2025 dated 31.07.2025 under Sections 316(2)/318(4)/61(2)/70(1)/351(2)/3(5) of the Bharatiya Nyaya Sanhita, 2023 and adding Sections 319(/316(5)/338 of the Bharatiya Nyaya Sanhita, 2023.

And

In the matter of : Anowarul Hoque @ Anarul Hoque.

.....Petitioner.

Mr. Sandip Chakraborty

Mr. Amanul Islam

Mr. Sourav Mukherjee

Mr. Kaustav Das

.....for the Petitioner.

Mr. Madhusudan Sur, Ld. APP

Ms. Trisha Rakshit

.....for the State.

Mr. Amit Roy

.....for the De-facto complainant (legal aid)

Petitioner claims that petitioner has been falsely implicated in connection with the instant case and the accusations which have been made by the de-facto complainant are wild allegations. Initially de-facto complainant filed a case under Section 156(3) of the Cr.P.C. which was dismissed, thereafter she pursued with the present false information which was registered as FIR. It has also been contended that a part of the allegations relate to forgery and cheating for which case is already registered and there has been embellishment with allegations of gang rape. The incident complained of is afterthought and the FIR is a belated FIR. The medical documents do not support the prosecution case. So far

as the integrity of the de-facto complainant is concerned she herself has already been implicated in connection with a case of cheating and forgery. The statement under Section 164 of the Cr.P.C. and/or the relevant materials collected by the investigating agency do not establish an offence and as such on any stringent conditions petitioner may be released on bail.

Learned advocate for the State has produced the original Case Diary and drawn the attention of the Court to the documents which have been collected. It has been submitted that four other accused persons are absconding in the present case. The petitioner has an antecedent so far as the issue relating to allegations of forgery, defalcation of money is concerned.

I have taken into account the materials which are appearing against the present petitioner and the fact that other accused persons are absconding in the present case. Having considered the same, I direct the learned trial Court to exhaust the harsher process of law and if required, commit the case to the Court of the learned Sessions Court for further progress. At this stage, I am not inclined to release the petitioner on bail.

Accordingly, CRM (M) 2367 of 2025 is **dismissed**.

Petitioner would renew his prayer for bail after the stage of consideration of charge is over.

The investigating officer of the case is present along with original Case Diary, his further appearance before this Court dispensed with.

Original Case Diary be returned to the learned advocate appearing for the State.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)