

28.
27-01-2025
(ct. no.29)
S. De
(Allowed)

CRM (DB) 3957 of 2024

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure as amended under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Dhantala Police Station Case No. 268** of **2024** dated **06.04.2024** under **Section 376** of the Indian Penal Code.

And

In the matter of : XXXXXX.

.....Petitioner.

Mr. Snehangshu Majumder,for the Petitioner.

Mr. Prasun Kumar Dutta, Ld. APP,
Ms. Sreetama Das,for the State.

Dictated by Arijit Banerjee, J.

1. From the affidavit-of-service it appears that the victim lady has been served. However, nobody appears for the victim lady/de facto complainant.
2. Pursuant to our direction, the Investigating Officer is present in Court. He says that the medical report was in a separate envelope which was inadvertently not included in the case diary. He tenders his unconditional apology which we accept. His personal appearance is dispensed with.
3. The medical report does not support the prosecution case to any extent. The petitioner says that he has been falsely implicated. He is the father-in-law of the victim lady. He refused to succumb to the demand for property/money made by one of his sons being the victim lady's husband. That is why a false complaint has been lodged.

4. Learned APP strongly opposes the prayer for bail. He says that January 30, 2025, has been fixed as the date for examination of the victim lady.
5. Having considered the facts and circumstances of the case and the material-on-record, prima facie it appears that the possibility of false implication cannot be ruled out. The petitioner is aged about 63 years. He is in custody for about 10 months. We are of the view that further custodial detention of the petitioner is not necessary.
6. Accordingly, we direct that the petitioner, namely, **XXXXXX** shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to the conditions that the petitioner shall not leave the jurisdiction of concerned Police Station and shall report to the Officer-in-Charge of the concerned police station once in a fortnight until further orders.
7. The petitioner shall appear before the trial Court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.
8. In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this court.

9. The application for bail is, accordingly, allowed.

10. Learned APP is requested to keep the medical report in the case diary.

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

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)