

CRM (DB) 4235 of 2024

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Jalangi Police Station** Case No. **313 of 2024** dated **08.09.2024** under Sections **64(2)m/65(i)** of the BNS and Section 6 of the POCSO Act.
- A n d -

In the matter of : XXXXXX

.... Petitioner.

Mr. Arnab Chatterjee,
Mrs. P. Bose,

... For the Petitioner.

Mr. Debasish Roy,
Mr. Arijit Ganguly,
Mr. K. Kundu,

... For the State.

Ms. Madhumita Basak,

.... For the defacto.

Order dictated by Arijit Banerjee, J.:

1. The petitioner says that he has been falsely implicated. The victim girl is his sister-in-law (wife's sister). A false complaint was lodged by his wife against him under Section 498A (85 of the BNS). On the very same day, after a few hours, the present complaint was lodged alleging that he has raped his sister-in-law continuously for the last one year. He is in custody for 130 days. Investigation is complete. He prays for bail.

2. Opposing the prayer, learned State Advocate and learned Advocate for the defacto complainant draw our attention to the statement of the victim girl recorded under Section 164 of the Code. The medical report does not support the prosecution case to any extent.

3. On an overall assessment of the facts and material on record, we are of the view that possibility of false implication of the petitioner cannot be ruled out. In any event, the investigation is

complete. The petitioner's further custodial detention is not necessary.

4. 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 Special Judge under the POCSO Act, Berhampore, Murshidabad subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner while on bail shall not enter within the jurisdiction of Jalangi Police Station and shall meet the I.C. of the concerned police station where he will reside once every fortnight until further orders.

5. 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.

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

7. 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.)