

12.02.2025
Item no.22.
Court No.29.
S. De
(Allowed)

CRM (DB) No. 39 of 2025

In Re: An application for bail under Section 439 of the Code of Criminal Procedure corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with **Kaliganj Police Station Case No. 818 of 2024 dated 19.09.2024** under **Sections 329(4)/65(1) of the Bharatiya Nyaya Sanhita, 2023.**

And

In the matter of : AAA.Petitioner.

Mr. Krishnendu Bhattacharyya,
Mr. Priyankar Ganguly,
Mr. Md. Imtiaz,
Ms. Shalini Bairagi,for the Petitioner.

Mr. Atif Ahmed Siddiqui,for the State

Dictated by Arijit Banerjee, J.

1. The petitioner says that he has been framed in this matter. The victim lady is 29 years old and married. She is his sister-in-law (wife's sister). Because of property dispute, this false complaint has been lodged. He is in custody for 132 days. Learned advocate draws our attention to the FIR. The alleged incident is of August 18, 2024. The FIR was lodged on September 19, 2024. The FIR mentioned inter alia :

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not erect by normal Estimative
the examination Sd Krishna
kumar.”*

2. From the affidavit-of-service filed in Court today, we find that the de facto complainant/victim has been served. However, nobody appears for her.
3. Learned State advocate, while opposing the prayer, draws our attention to the statement of the victim lady recorded under Section 164 Cr.P.C. (Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023). He also shows us the medical report.
4. On an assessment of the material-on-record, we are of the view that the chance of false implication of the petitioner cannot be ruled out. Investigation is complete. Charge has been framed. Therefore, we are of the opinion that further custodial detention of the petitioner is not necessary.
1. Accordingly, we direct that the petitioner, namely, **AAA** 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 Chief Judicial Magistrate, Nadia, Krishnagar, subject to the condition, the petitioner shall remain within the jurisdiction of Kaliganj Police Station and shall meet the Inspector-in-Charge/Officer-in-Charge of the Kaliganj Police Station once in a fortnight, until further orders.
2. 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.

3. 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.
4. The application for bail is, accordingly, allowed.
5. 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.)