

05.03.2025
Item no.17.
Court No.29.
S. De

CRM (DB) No. 41 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.

And

In the matter of : Md. Hifjur Rahaman.Petitioner.

Mr. Mrityunjoy Chatterjee,
Mr. Tusar Hazra,for the Petitioner.

Mr. Ranabir Roy Chowdhury,
Mr. Subhasish Datta, ...for the State.

Md. Wasim Akram, ...for the de facto complainant.

Dictated by Prasenjit Biswas, J.

1. It is said by the learned Advocate appearing on behalf of the accused petitioner that this petitioner voluntarily surrendered before the Trial Court on 20.11.2024 and since then he is in custody. This petitioner is completely innocent and has been falsely entangled in the present case and he has/had no connection with the alleged offence. The entire case is based on circumstantial evidence and there is no direct evidence against this present petitioner. The present petitioner was a friend of the husband of the victim as well as the victim lady and as disputes cropped up in between them so the present case has been falsely instituted against this petitioner the complaint was lodged after a gap of one year of the alleged incident. So, no fruitful purpose will be served by detaining the accused petitioner behind the bar further for sake of custodial interrogation.
2. Learned Advocate for the State raises objection by submitting that sufficient incriminating materials have been collected by the prosecuting agency which show about *prima facie* involvement of

this accused petitioner of the alleged offence. Our attention is drawn to the seizure list. If at the stage this accused petitioner is enlarged on bail then there is every possibility of tampering of evidence.

3. Perused the materials on record. We have gone through the seizure list and the statement of the victim recorded under Section 164 of Cr.P.C. (Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023). Keeping in mind the complicity of this accused petitioner in the alleged offence and after considering the gravity of the offence we are not inclined to enlarge the petitioner on bail at this stage.
4. CRM (DB) 41 of 2025 is dismissed.

(Prasenjit Biswas, J.)

(Arijit Banerjee, J.)