

CRM (DB) 30 of 2025

In re: An application for bail under Section 439 of the Code of Criminal Procedure/Section 483 of the BNSS in connection with **Kotwali Police Station** Case No. **1097 of 2024** dated **05.10.2024** under Sections **85/64/115(2)/351(2)/3(4)** of the BNS.

- A n d -

In the matter of : XXXXX

.... Petitioner.

Mr. Arindam Jana,
Mr. S. Das,
Mr. A. Tripathi,
Ms. S. Biswas,

... For the Petitioner.

Mr. Bitasok Banerjee,
Mr. Atanu Ghosh,

... For the State.

Order dictated by Apurba Sinha Ray, J.:

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the defacto complainant/victim.
3. The petitioner submits that he is in custody for about 124 days. Investigation is complete. He has been falsely implicated in this case. However, the statements recorded under Section 164 of the Criminal Procedure Code and the medical report do not support the prosecution case. As the investigation is complete, he may be enlarged on bail on any condition.
4. The petitioner further submits that this false complaint is a counter blast. The parents-in-law of the defacto complainant had instituted a case against their son being the husband of the defacto complainant. Therefore, the complainant lodged this false complaint against several family members including the petitioner.
5. Learned State Advocate opposes the bail prayer.

6. We have considered the materials on record including the case diary. We have also taken into consideration the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure and also the medical report of the victim. After considering the above materials, we think that this is a fit case for granting bail to the petitioner on certain condition.

7. 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 Chief Judicial Magistrate, Krishnagar, Nadia 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 leave the jurisdiction of the concerned police station and shall meet the I.C of the concerned police station once every fortnight until further orders.

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. 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.)