

13. 09.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 189 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Dinhata Police Station Case No. 163/2024** dated **22/12/2024** under Sections **126(2)/70(1)/117(2)/109(1)/3(5)** of Bharatiya Nyaya Sanhita, 2023. G.R. Case No. 684/2024.

And

In the matter of: - **Majidul Miah & Anr.**

...petitioners.

Mr. Sudip Guha

...for the petitioners.

Mr. Aditi Shankar Chakraborty, APP
Mr. Sourav Ganguly

...for the State.

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the *de facto* complainant/victim.
3. The petitioners say that they are two out of four accused persons. Allegedly, all four accused persons raped the victim lady and assaulted her with a 'lathi' on her head. They pray for pre-arrest bail.
4. I find that two accused persons have been enlarged on bail by the learned Sessions Court on February 5, 2025 and on March 3, 2025, upon consideration of the material in the case diary including the statement of the victim lady and the medical report.

5. I have also seen the statement of the victim lady. The medical report *prima facie* does not corroborate the allegations made by the victim lady. The possibility of false implication cannot be ruled out.
6. In view of the aforesaid and considering that charge-sheet has already been submitted and two accused persons standing on the same footing have been granted bail by the learned Sessions Judge, I am of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Police Authorities.
7. Accordingly, in the event of arrest, the petitioners, namely, **1. Majidul Miah, 2. Fajrul Islam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioners shall appear before the learned Trial Court on each and every date of hearing and shall report to the Investigating Officer of the case, once every fortnight, until further orders. Within seven days from date, the petitioners shall go and meet the Investigating Officer of this case.
8. In case the petitioners fail to adhere to any of the conditions stipulated above, the learned Court below shall be entitled to

cancel the anticipatory bail without further reference to this Court.

9. The application for anticipatory bail being CRM (A) 189 of 2025 is accordingly disposed of.
10. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)