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14-05-2025  
(Ct. no.4.)  
Amalranjan  
(Allowed)

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

**CRM (M) 53 of 2025**

**In re:** An application for bail under Section 439 of the Code of Criminal Procedure/483 of the Bhartiya Nagarik Suraksha Sanhita in connection with Falakata Police Station Case No. 25 of 2019 dated 22.01.2019 under Sections 363/376 of the Indian Penal Code, 1860.

- A n d -

**In the matter of : Nur Islam (in custody)**

.... Petitioner.

Mr. Hillol Saha Poddar

... For the Petitioner.

Mr. Ujjwal Luksom

Ms. Namrata Das

... For the State.

1. Both Parties are represented by their respective learned Counsels.
2. It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in the instant case. The allegation of rape is out and out false. There were relations between the petitioner and the victim girl since long. She went voluntarily with the petitioner in Dhupguri and stayed there for a period of one month. The physical relations between the parties whatever alleged by the defacto-complainant was consensual. He prays for bail in any terms and conditions imposed by this court.
3. On the other hand, learned counsel appearing on behalf of the State has strongly opposed the prayer for bail and

referred the statements recorded under Sections 161 and 164 of the Cr.P.C. of the victim.

4. I have considered the materials available in the CD including the statement recorded under Section 164 of the Cr.P.C., it reveals, there was previous intimacy with the petitioner. She stayed with the accused for a period of one month in Dhupguri. It further appears from the record that she was previously married and had two children.
5. Keeping in mind the materials available in the record and the period of detention as suffered by the petitioner, I am inclined to allow his prayer for bail.
6. Accordingly, I direct that the petitioner, namely, **Nur Islam**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, to the satisfaction of learned Sessions Judge, Alipurduar on conditions:
  - a. The petitioner shall attend the trial court on every date without fail until further order.
  - b. The petitioner shall meet the investigating officer as and when summoned and also to co-operate in any further investigation,
  - c. He shall not leave the limits of Alipurduar district, without informing the trial court,
  - d. In the event the petitioner fails to comply with any of the conditions stipulated above, the trial Court shall be at liberty to cancel the bail bond in

accordance with law without further reference to this Court.

7. The application for bail is, thus, **allowed**.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.
9. Criminal Section is directed to supply certified copies of this order to the parties, if applied for, upon compliance of all necessary formalities.

**(Ajay Kumar Gupta, J.)**