

D/L 40
28.01.2026

Bpg.
Allowed

C.R.M. (M) 2366 of 2025

In Re: An application praying for granting of bail under Section 439 of the Code of Criminal Procedure, 1973 corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Pukhuria Police Station Case No.310 of 2024 dated June 15, 2024 under Sections 363/365/376D of the Indian Penal Code, 1860 and charge-sheet submitted under Sections 363/365/376D/34 of the Indian Penal Code, 1860;

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Versus

The State of West Bengal & Anr.

Mr. Sabyasachi Banerjee

Ms. Diksha Ghosh.

...for the petitioner.

Mr. Kaushik Kundu

Ms. Poulami Bose.

...for the State.

Mr. Sourav Mukherjee.

...for the de facto complainant.

Learned advocate appearing for the petitioner submits that the present petitioner is a relation of the de facto complainant and brother-in-law of the victim who is in custody since June, 2025. The investigation of the case has been concluded and charge-sheet has been submitted.

Learned advocate for the de facto complainant opposes the prayer for bail.

Learned advocate for the State, on the other hand, produces the case diary and draws the attention of the Court to the statement of the victim under Section 164 of the Cr.P.C. as well as

the statement of the neighbours.

I have taken into account the totality of the materials appearing in the case diary including the fact that the case was instituted under Section 156(3) of the Cr.P.C. Having regard to the manner in which the investigation progressed and the fact that the victim refused medical examination, I am of the view that further detention of the present petitioner is unwarranted.

Accordingly, the prayer for bail of the petitioner is allowed. Petitioner shall be released on bail upon furnishing bond of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties of Rs.10,000/- each, one of whom must be local to the satisfaction of the learned ACJM, Chanchal, Malda. If on bail, the petitioner shall be physically present before the court in seisin of the case as and when directed and shall not leave the district of Malda without the prior permission of the court in seisin of the case.

Accordingly, CRM(M) 2366 of 2025 is allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)