

In the Court of the Ld. Sessions Judge, South 24-Parganas, Alipore

Criminal Misc. Case No. 2876 of 2026

Present : Smt. Kusumika Dey (Mitra) (WB00992), Sessions Judge-in-charge, Alipore

Order No.04, dated 15.07.2026

The application under section 483 of B.N.S.S/439 of Cr.P.C. filed by the accused/petitioner namely, **Indrajit Saha**, who is in custody, in connection with **Rabindranagar P.S.Case No.20/2026 dated 28.01.2026 (B.G.R. No.283/2026) under sections 64/23/74/75/79/318 of B.N.S., 2023** is taken up for hearing.

Learned Advocate for the accused/petitioner submits that no such application under section 483 of B.N.S.S/439 of Cr.P.C. is either rejected or pending before the Hon'ble High Court prior to this application.

Learned Advocate for the accused/petitioner submits that the present accused/petitioner is innocent and he is in custody for 41 days. It is admitted that there was a formal agreement between the accused and the complainant concerning a monetary transaction with a specific condition of repayment which was made by the accused but subsequently for losing his job he failed to make such repayment for which a false complaint was lodged against him thereby giving a purely civil dispute the colour of criminal prosecution. In this context relevant documents demonstrating partial repayment and termination of the accused from his job have been produced. Learned Advocate vehemently denied the allegations of sexual harassment and refers to paragraph-7 of the written complaint to highlight the inherent contradictions. It is further submitted that there is absolutely no medical corroboration to support the grave allegations under section 64/74 of B.N.S. It is clarified that while an earlier bail application was rejected by this court, it was turned down solely on the ground of being premature at that stage, and with the substantial lapse of time, the present application deserves favourable consideration. As such, he prayed for bail of the accused/petitioner.

Learned P.P.-in-charge produces the case diary and submits that the allegations against the accused person are serious in nature involving the modesty of a woman. He places reliance on the statement of the victim recorded under section 183 of B.N.S.S. and raises objection to the prayer for bail under section 483 of B.N.S.S/439 of Cr.P.C. of the present accused/petitioner.

Learned Advocate for the defacto complainant adopts the argument of the State and further adds that the accused deceitfully took a loan from the

complainant under the pretext of his mother's illness. When the complainant approached the accused for repayment upon his failure to pay the same, she was subjected to sexual harassment. He refers to the F.I.R. and the statement of the victim recorded under section 183 of B.N.S.S. and raises objection to the prayer for bail.

Heard all the sides.

I have perused the case diary and other materials on record.

Considered the rival submissions advanced by all the parties and carefully scrutinised the C.D. Record reveals a distinct financial transaction between the parties backed by an agreement. The documents produced by the Learned Advocate for the accused person indicate that attempts at repayment were initiated, lending weight to the argument that default arose out of subsequent unemployment of the accused. Moving to the serious allegations under section 64/74/75 of B.N.S., this court finds that the victim refused to undergo medical examination, consequently, leading to absence of medical corroboration to substantiate the claim of sexual harassment. Crucially, the accused has already undergone 41 days of detention. Learned Public Prosecutor has not pointed out any significant progress in investigation during the recent period of custody nor has it been argued that custodial interrogation of the accused is further required. Considering the period of detention, this court is of the view that further detention of the accused is not warranted, and he may be enlarged on bail. **Hence, prayer for bail under section 483 of B.N.S.S/439 of Cr.P.C. of the petitioner/accused is allowed on certain conditions.**

The accused/petitioner may find bail of **Rs.5,000/- with two registered sureties of Rs.2,500/- each**, to the satisfaction of the Learned C.J.M., Alipore.

(i)The accused/petitioner shall meet the I.O. twice in a week till completion of the investigation.

(ii) He shall not leave the jurisdiction of this court without prior permission of this court.

Thus, the Crl. Misc. Case is disposed of.

Return the C.D.

Dictated & corrected by me.

Sd/- Kusumika Dey
Sessions Judge I/c

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(WB00992)