

26.02.2021
Court No.1
SL No. 05
s.biswas

**THE CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Through Video Conference)**

C.R.M. 255 of 2021

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **Maynaguri** P.S. Case No. **07 of 2009** dated 06.01.2009 under Sections **376/511** of the Indian Penal Code.

And

In the matter of: **Dulal Roy**

....Petitioner

Mr. Jaydeep Kanta Bhowmik

...for the Petitioners

Mr. Aditi Shankar Chakraborty, Ld. APP

Mr. Sagnik Sankar Sikdar

...for the State

This is an application under Section 439 of the Code of Criminal Procedure filed on behalf of the petitioner in connection with Maynaguri Police Station Case No. 07 of 2009 dated 06.01.2009 under Sections 376/511 of the Indian Penal Code corresponding to G.R. Case No. 117 of 2009 pending before the Court of learned Chief Judicial Magistrate, Jalpaiguri.

It is submitted that the as per the charge-sheet, the present case relates to the year 2009 whereas the petitioner has been arrested on 05.02.2021, after a lapse of long period of time. It is nowhere mentioned in the charge-sheet that the petitioner was absconding.

It is further submitted that there is a boundary dispute between the family of the accused/petitioner and that of the family of de-facto complainant.

It is also submitted that assuming though not admitting the allegation levelled against the accused/petitioner the same may at best attract the offence under Section 354 of the IPC.

Bearing in mind the nature of offence and in consideration of the materials placed on record and further considering that the charge-sheet has already been submitted, we are inclined to grant bail to the accused/petitioner.

Accordingly, the petitioner is directed to be released on bail upon furnishing a Bond of Rs. 2,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Chief Judicial Magistrate, Jalpaiguri subject to the condition that during bail he shall appear before the learned trial court on the date fixed till disposal of the trial.

In the event the petitioner fails to comply with the conditions as enshrined hereinbefore, it is open to the trial court to cancel the bail without any further reference to this Court.

The application for bail being CRM 255 of 2021 is, thus, disposed of.

(Hiranmay Bhattacharyya, J.)

(Shivakant Prasad, J.)