

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

CRM 377 of 2021

In Re : An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 17.03.2021 in connection with Sahebganj Police Station Case No.508 of 2020 dated 15.11.2020 under Sections 448/376(2)(I) of the Indian Penal Code, 1860.

And

In Re : Subhash Barman

... petitioner.

Mr. Sudip Guha

... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Aniruddha Biswas

... for the State.

Learned counsel for the petitioner submits that the petitioner is in custody with regard to charges under Sections 448/376(2)(I) of the Indian Penal Code.

Learned counsel for the State opposes the prayer for bail.

It appears from the statement recorded under Section 164 of the Code of Criminal Procedure that no allegation has been levelled under the said Sections in respect of the present petitioner. Moreover, the petitioner was not identified as the offender by the lady, who has 40 per cent auditory disability, in the T.I. Parade. As such, there is sufficient ground for extending the benefit of bail to the petitioner.

Accordingly, CRM 377 of 2021 is allowed, thereby granting bail to the petitioner, namely, Subhash Barman, on condition of

furnishing bond of Rs.5,000/- with two sureties of like amount each, to the satisfaction of the Additional Chief Judicial Magistrate, Dinhata. The petitioner shall attend each date of the trial when the same commences and shall not leave the jurisdiction of the concerned court till trial is over.

The petitioner is specifically restrained from making, directly or indirectly, any inducement, threat or promise to any person acquainted with the facts of the case, including the victim, so as to dissuade her/him from disclosing such information to the Investigating Officer and/or the court and/or tamper with the evidence in any manner.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda J.)