

30.09.2021
Court No.01
Item No. 15
Krishnendu
Bail Granted

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

(Via Video Conference)

C.R.M. 519 of 2021

With

C.R.A.N. 1 of 2021

In Re: An application under Section 439 of the Code of Criminal Procedure;

And

In Re : **Sanjoy Biswas**

....Petitioner

Mr. Sudip Guha

... For the Petitioner

Mr. Abhijit Sarkar

Mr. Saikat Chatterjee

... For the State

The present application under Section 439 of the Code of Criminal Procedure has been preferred by the petitioner in connection with Cooch Behar Women P.S. Case No. 01 of 2020 dated 03.01.2020 under sections 363/365/376/109 of the Indian Penal Code.

Mr. Guha, learned advocate appearing for the petitioner, submits that the victim is a married lady. There was a love relationship between the petitioner and the victim lady. On the date after the alleged incident the victim herself accompanied the petitioner. Upon completion of investigation, charge sheet has already been submitted. There is no possibility towards early conclusion of the trial and the petitioner had already suffered incarceration for more than eight months. The other co-accused persons had already been granted anticipatory bail by the learned

Court below. In the said conspectus, further detention of the petitioner is not necessary.

Mr. Sarkar, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure and the medical report.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the medical report and the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure, the nature of accusations, the period of custody already suffered by the petitioner and the extent of his complicity in the alleged offence, we are of the opinion that further detention of the petitioner is not warranted in the facts and circumstances of the case. However, to instill confidence in the mind of the witnesses, the petitioner's movement needs to be restricted.

Accordingly, we allow this application and direct that the petitioner, namely, **Sanjoy Biswas**, shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Cooch Behar and on further condition that the petitioner shall not enter the jurisdiction of Kotwali Police Station, save and except for attending the learned Court below on all the dates, as specified for hearing.

The petitioner shall immediately intimate the address, where he would be residing, to the Officer-in-Charge of the concerned Police Station.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned Court below shall be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for bail, being C.R.M. 519 of 2021 and the connected application, being C.R.A.N. 1 of 2021, are disposed of.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)