

21.12.2021
SL No.48
Court No.1
(gc)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1182 of 2021
(Via video Conference)**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Jalpaiguri Women Police Station Case No.05 of 2021 dated 13.01.2021 under Sections 417/493/376(2)(n)/323/506/34 of the Indian Penal Code.

And

In the matter of : **Nemai Karmakar @ Nimai**
- Petitioner.

Mr. Kallal Ghosh,
Ms. Madhushri Dutta,
... For the Petitioner.
Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Sagnik Sankar Sikdar,
... For the State

The learned Counsel for the petitioner submits that the petitioner is in custody for 10 days and on the basis of a false complaint, the petitioner was arrested.

The learned Counsel for the State, however, opposes the prayer for bail and submits that the statement recorded by the victim under Section 164 of the Cr.P.C., the victim has mentioned the name of the petitioner.

Having considered the materials available on record and the nature and extent of complicity of the petitioner in the commission of the alleged offence and also having regard to the fact that the victim was in relationship with the petitioner for over four years,

we are inclined to release the petitioner on bail. The prayer for bail is, thus, allowed.

Accordingly, we direct that the petitioner, namely, **Nemai Karmakar @ Nimai**, 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, Jalpaiguri subject to the condition that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall stay outside the jurisdiction of Kotwali Police Station and shall not enter the said jurisdiction except for meeting the Investigating Officer and/or attending the Court proceeding and shall meet the Investigating Officer once a week until further orders and shall disclose his present address to the Investigating Officer and with a further condition to comply with the provision of Section 437(3) of the Code of Criminal Procedure. We also direct the trial court to expedite the trial and conclude it as expeditiously as possible.

Accordingly, the application for bail being CRM 1182 of 2021 stands disposed of.

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

(Biswajit Basu, J.)

(Soumen Sen, J.)