

08.02.2023

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

CRM (DB) 76 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 30.01.2023 in connection with Kalimpong Police Station Case No. 230 of 2021 dated 02.10.2021 under Sections 376D of the Indian Penal Code.

In the matter of : Niraj Bhujel @ Narbahadur Bhujel and Anr.
... petitioners

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury

...for the petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Dhiman Sil

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioners submits that the petitioners have already been in custody for about 450 days. Charge sheet has already been filed in the case. Moreover, out of total 24 witnesses, only four have adduced evidence. As such, it is submitted, conclusion of the trial is extremely uncertain.

Learned counsel for the State opposes the prayer for bail and submits that the allegations made against the petitioners are serious in nature and corroborated fully by the statement under Section 164 of the victim.

Despite the nature and gravity of the offence alleged against the petitioners, we do not think that any useful purpose will be served in keeping the petitioners behind the bars since they are already in custody for more than 450 days.

Accordingly, CRM (DB) 76 of 2023 is allowed, thereby granting bail to the petitioners on condition that the petitioners shall furnish individual bonds of Rs. 20,000/- (Rupees Twenty Thousand) each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District and Sessions Judge, Kalimpong. The petitioners shall not enter the territorial jurisdiction of the concerned police station where the victim girl resides during the entire period of trial except for attending the trial, which the petitioners shall attend on each and every date. Moreover, the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)