

D/L. 59
February 9, 2023
MNS

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

CRM (DB) 101 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure filed on 02.02.2023 arising out of New Mal GRPS Case No. 03 of 2008 dated 04.04.2008 under Section 376(2)(g)/392 of the Indian Penal Code, 1860 read with Section 3(xii) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act.

And

In the matter of: Ranjit Kharka

.... Petitioner

Mr. Jaydeep Kanta Bhowmik,
Mr. Sayantan Bhowmick

... for the petitioner

Mr. A. S. Chakraborty,
Mr. S. S. Sikdar

... for the State

Learned counsel for the petitioner contends that petitioner is in custody for about 14 years.

Learned counsel for the State opposes the prayer for bail and submits, on instruction, that the victim was raped and pushed from a running train due to which she died.

Keeping in view the heinous nature of the offence, it is submitted that the petitioner's prayer for bail ought to be rejected.

Moreover, on November 10, 2022, a similar prayer of the petitioner was rejected by a co-ordinate Bench. That apart, February 22, 2023 is the

next date fixed in the trial court for compliance of Section 313, Criminal Procedure Code.

Heard learned counsel for the parties.

Despite the heinous nature of the offence, keeping in view that the petitioner has already spent behind the bars a major part of the period of prospective sentence, if convicted, we are of the opinion that the petitioner is entitled to bail.

Accordingly, CRM (DB) 101 of 2023 is allowed, thereby granting bail to the petitioner on condition that the petitioner furnishes bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional District & Sessions Judge, 2nd Fast Track Court, Jalpaiguri.

The petitioner shall not leave the territorial jurisdiction of the trial court during the entire period of trial and shall attend the trial on each and every date.

The petitioner shall not make any inducement, threat or promise to any person acquainted with the facts and circumstances of the case and or to the victim girl so as to dissuade such person from disclosing such facts to any police officer or the court and/or tamper with the evidence in any manner whatsoever.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)