

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

03.04.2023
Court No.1
(D/L 3)
(allowed)

CRM (DB) 136 OF 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure, 1973 filed on 24.02.2023 in connection with G.R. Case No.5191 of 2022 arising out of Phansidewa Police Station Case No.521 of 2022 dated 28.11.2022 under Sections 448/376/506 of the Indian Penal Code.

And

In the matter of: **Paritosh Debnath @ Protush Debnath**
... Petitioner.

Mr. Debasish Mukhopadhyay
Mr. Anirban Banerjee
Ms. Sriya Basu

... for the petitioner.

Mr. Aditi Shankar Chakraborty, APP
Mr. Sagnik Sankar Sikdar

... for the State.

Learned counsel for the petitioner submits that the accused is in custody for about 125 days and charge-sheet in the present case has already been submitted and there is no necessity for custodial trial as the petitioner will cooperate during trial.

Learned public prosecutor submits that this is a case of rape and the prayer should be rejected.

On perusal of the materials on record including the case diary and medical report of the complainant and the doctors opinion at page 38 of the case diary i.e., medico legal examination report, which prima facie shows that the complainant is aged about 30 years. It is further

submitted that the complainant is a married woman and knows the accused as they live in the same locality.

Thus considering the long detention of the accused/petitioner and the fact that the investigation in the present case is complete, the accused shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of 5,000/- each, one of whom must be local to the satisfaction of the learned Chief Judicial Magistrate, Siliguri and will not leave the jurisdiction of the Trial Court without prior permission.

The application for bail is, accordingly, allowed.

[SHAMPA DUTT (PAUL), J.]

(RAJARSHI BHARADWAJ, J.)