

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

09.03.2023.
13/tkm

C.R.M. (DB) 138 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Matigara P.S case no. 425 of 2022 dated 9.4.2022 under sections 376/120B of the IPC

and
Allowed In the matter of : Bablu Sarkar & Anr. Petitioners

Mr. A Paul

...for the Petitioners

Mr. Ujjwal Luksom
Mr. Saikat Chatterjee

...for the State

Petitioners are in custody for more than ten months. It is submitted victim was a major lady. There are inconsistencies in her statement before the police and the magistrate. They pray for bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. We have also considered the statement of the victim. Incriminating material i.e videography was seized in the course of investigation. Petitioner no. 1 is the principal accused. Hence, we are not inclined to grant bail to him.

Name of petitioner no. 2 does not transpire in the FIR. But his name has been introduced in the statement of the victim recorded under section 164 Cr.P.C.

Keeping in mind the aforesaid fact and the extent of complicity of petitioner no. 2 in the alleged crime, we are inclined to grant bail to him.

Accordingly, petitioner no. 2 viz. Goutam Das 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 ACJM, Siliguri on condition that the petitioner no. 2 shall appear before the trial court on every date of hearing and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application being CRM (DB) 138 of 2023 is disposed of.

(Subhendu Samanta,J.)

(Joymalya Bagchi, J.)