

16.06.2023  
SL No.29  
Court No.1  
(gc)  
(Allowed)

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

**CRM (DB) 230 of 2023**

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Session Case No.69 of 2022, arising out of the Kalimpong Women P.S. Case No.12 of 2022 dated 2.6.2022 under Section 376(D), 376(2)(j)(k)(l) of the Indian Penal Code.

And

In the matter of : **Janak Raj Sharma @ Janak Sharma**

- Petitioner.

Mr. Aniruddha Biswas,  
Ms. Rima Sarkar,  
Ms. Sidhi Sethia

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,  
Mr. Ujjwal Luksom,  
Ms. Namrata Das

... For the State.

Mr. Arjun Chowdhury,

... for the de-facto complainant.

1. The learned Counsel for the petitioner submits that the petitioner stands on the same footing as that of Raphael Chettri who was granted bail on 1<sup>st</sup> February, 2023 by a Coordinate Bench and his prayer for bail may be considered.
2. The learned Counsel for the de-facto complainant strongly opposes the prayer for bail and submits that the victim is deaf and dumb and she has clearly implicated the petitioner.

3. The learned Counsel for the State also opposes the prayer for bail.
4. Considering the fact that Raphael Chettri stands on the same footing as that of the present petitioner and the objections raised in this proceeding have been considered by the Coordinate Bench and on consideration of such material the application for bail was granted in favour of Raphael Chettri on parity of reasoning, we allow this application for bail.
5. Accordingly, CRM (DB) 230 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 District and Sessions Judge, Kalimpong. 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 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.
6. Accordingly, the application for bail is disposed of.

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

**(Raja Basu Chowdhury, J.)**

**(Soumen Sen, J.)**