

12.07.2023
Item no.64.
Court No.01.
S. De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (NDPS) No. 394 of 2023

In Re: An Application for Bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with Matelli Police Station Case No. 10 of 2021 dated 29.01.2021 under Sections 363/365/370/376/511 of the Indian Penal Code.

And

In the matter of : Arjun Chhetri.Petitioner.

Mr. Debajit Kundu,for the Petitioner.

Mr. Sourav Ganguly,
Mr. Chattu Roy,for the State.

The petitioner says that he has been falsely implicated.

The victim girl, nineteen years of age at the time of the incident, went with him to Delhi on her own volition. He did not treat the victim girl wrongly or with force at any point of time.

We have seen the statements of the victim girl as well as of other persons recorded under Section 164 Cr.P.C. The victim girl alleges attempted rape by the petitioner on her.

We have seen the material in the case diary and have assessed the same. Prima facie, it does not appear that there is sufficient material to incriminate the petitioner. Further, chargesheet has also been submitted after completion of investigation.

Accordingly, we direct that the petitioner, namely **Arjun Chhetri** shall be released on bail upon furnishing a bond of Rs.10,000/- , with two registered sureties of like amount each, to the satisfaction of the learned Chief Judicial Magistrate, Jalpaiguri on condition that the present accused petitioner shall appear before the Trial Court on each date of substantive hearing subject to the provisions of Section 317 Cr.P.C. and shall not intimidate the witnesses and/or tamper with evidence and/or commit any cognizable offence in any manner whatsoever.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)