

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

18.08.2023
Court No.1
Item. 19
(Suvendu)

CRM(DB) 443 OF 2023

In Re: An application for Bail under Section 439 of the Code of Criminal Procedure, 1973 filed in connection with Siliguri Women Police Station Case No. 89 of 2023 dated 29.06.2023 under Sections 376/ 417/ 420/ 323/ 506/ 120B of the IPC.

And

In the matter of: Subham Roy

.Petitioner.

Mr. Sandeep Dutta

For the Petitioner.

Mr. Nilay Chakraborty
Mr. Dhiman Sil

For the State.

1. We find from the submissions made on behalf of the parties and the materials on record that the petitioner and the defacto complainant were admittedly in a relationship since 2020. The relationship subsequently soured on the petitioner's refusal to marry the defacto complainant. It is also submitted that the petitioner and the defacto complainant lived together as a couple in a rented premises for some time.

2. We also find that the prayer of the mother and father of the petitioner for anticipatory bail was granted by the learned Sessions Court, Darjeeling on 14th July, 2023.

3. Learned counsel appearing for the prosecution admits that the petitioner and the defacto complainant were in a relationship.

4. We hence find no reason to continue the petitioner's incarceration.

5. The prayer for bail is hence allowed.

6. We accordingly direct that the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate at Siliguri. The petitioner shall not induce witnesses or influence them or tamper with the evidence. The petitioner shall report to the I.O. of the concerned Police Station once every fortnight and the petitioner shall also make himself available for the trial as and when the petitioner is required.

7. CRM(DB) 443 of 2023 is accordingly allowed and disposed of in terms of the above.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)

